

# PRISONERS LEGAL NEWS

Working To Extend Democracy To All

Vol. 1, No. 1

May 1990

## "KITE" SYSTEM OF LEGAL ACCESS RULED UNCONSTITUTIONAL FOR IMU PRISONERS

Long-time rights conscious prisoner Nina Jordan, along with other women prisoners and men at Shelton, recently won a major legal victory in Tacoma's federal court. The ruling, handed down on March 28, 1990, held that IMU prisoners could not obtain adequate access to the courts through the "kite" system of requesting legal research materials.

The kite system is currently in use in segregation units throughout the state of Washington. It requires that the prisoner seeking to do legal research know what particular book he or she is seeking, and thus makes doing research next to impossible.

The result of the ruling is that prisoners "held for any substantial period" in the Intensive Management, Special Needs, and Maximum Security Units at the Purdy prison for women, and the IMU and Reception Center at Shelton, are entitled to either a satellite law library or direct access to the prison's main law library. The court also held that such persons have a right to adequate legal supplies, such as carbon paper, pens, envelopes, etc.

A copy of the order can be obtained by writing to the United States District Court, P.O. Box 2214, Tacoma, WA 98401, and asking for document #164 in the case of Jordan v. Lehman, Case No. C88-031TB.



## ONE DAY SCHOOL BOYCOTT AT MONROE

The statewide practice for enforcing attendance at prison schools is simple: Three unexcused absences and they drop you. Well, some prisonrat decided that inmate attendance at the Reformatory was not up to par with those at other facilities. Rather than merely enforce the standard three absence drop rule, however, some mental giant got the idea of infracting any prisoner who was late for class and did not possess one of the narrow justifications approved by the administration. According to this new rule, it made no difference if you had not missed a single class in years, if you were late just once without a proper excuse you'd be written up for a violation of WAC 104.

The response of Monroe prisoners was not unpredictable. Many prisoners quit the school on the spot, others dropped non-essential classes, and a little under a third of the remaining students registered their displeasure with a boycott of all classes. The boycott was for one day.

The end result of this punishment approach to education is that the school has far fewer students now than it would have had officials maintained attendance the same way it is done at every other joint in the state.



## PAROLE BOARD'S 0.100 ABUSES

People should start giving some consideration to how the Parole Board is conducting the 0.100 paroleability hearings. The Myers, Addleman, and other cases, as well as the so called 1400 Bill, all tell the Board to re-structure our minimum terms in a manner reasonably consistent with the SRA.

So the Board spent years and about a million dollars restructuring our minimum terms reasonably consistent with the SRA and the applicable court rulings.

But now when we get to the end of that restructured minimum term the Board sees us, deems us unfit for parole, gives us no written reasons and adds anywhere from 12 months to the end of your maximum term to your minimum.

Now excuse me, but I believe legislative intent when they enacted the SRA was to slowly phase out the old guidelines people, and to decrease Board membership according to work load.

It seems to me the Board has conspired with one another to undermine legislative intent and the rulings of the supreme court.

But how do we prove this? Well, we need to get all of us old guidelines people who have gone before the Board for 0.100 hearings and got fucked, together in a class action suit. It is my estimate that 80% of the people seen on 0.100 reviews get found to be unparoleable and receive more time.

Now before the SRA came into effect 80% of the people who went to parole hearings at the end of their minimum term got paroled!

Denial of parole at the expiration of your minimum term should be the exception, the Board is denying everybody and they are giving out big time.

I have about 15 people on my "fucked by the 0.100 list" and the list is growing every day. We need a big list so start taking down names for us.

--M.H., Walla Walla

## THE TERROR

The still air of my prison cell,  
thick with smoke,  
swallows my brooding thoughts,  
spitting them back at me  
stinking of loneliness.

I stare at tobacco stained fingers,  
wondering at how I can  
bemoan the years taken from me,  
and yet steal some more.

And somewhere still,  
in an endless night,  
I am a woman's nightmare.  
Never a day gone by  
without testimony of her fright.

The years tumble onward,  
over an over one another.

Over and over she floods her mind,  
hoping to wash away the stubborn terror  
that wears my face.

D.P. (A social prisoner  
convicted of rape.)

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## STUDY FINDS 23% OF YOUNG BLACK MEN UNDER CRIMINAL SANCTIONS

Nearly one out of every four black men between the ages of 20 and 29 nationwide is in prison or jail or on probation or parole on a given day, according to a new study based on records of the Justice Department and the Bureau of the Census. The 23.0% "criminal justice control rate" for young black men compared to 6.2% for white males and 10.4% for Hispanic males in the same age bracket.

The findings of the study actually understate the impact of the problem. If all of the offenders who were processed through the system at any one time were counted, the proportion of black males subjected to criminal sanctions would be even higher.

The situation is expected to get worse as a result of the "war on drugs" launched by the Bush administration. In Florida, for example, blacks make up 73% of all drug offenders, but they make up only 54% of prison admissions for other types of offenses.

To get a copy of the report: "Young Black Men and the Criminal Justice System: A Growing National Problem," write to:

The Sentencing Project  
918 F Street NW, Suite 501  
Washington, DC 20004

## NEW PRISON SPENDING JUMPS BY 73%

Federal and state corrections systems will spend more than 6.7 billion on new prison construction in the period 1989-90, an increase of 73% compared to 1987-88, according to Corrections Compendium, a corrections research and information service.

The prison systems in all 50 states and the federal government participated in the study. The cost per bed ranged from \$995 at a minimum security facility in Alabama to \$132,000 in the case of a medium/maxi-mum security prison in Hawaii. The average cost per bed was \$52,000, up 28% since 1987-88.

California led the states in prison construction spending, with \$1.29 billion allocated to build 15,030 new prison beds. The survey also found that eight states have contracts with private firms to build and operate correctional facilities.

## DID D.O.C. EMPLOYEES MURDER MICHAEL FRANCKE?

On the evening of January 17, 1989, Oregon Department of Corrections Director Michael Francke left his office at the Dome Building in Salem. He never made it out of the parking lot. Someone had stabbed him in the heart. He died on his office building's side porch.

The initial investigation of Francke's death centered on parolees in the area and prisoners in the state penitentiary who may have held a grudge of some sort. Then, about a month after the murder, rumors and reports began to surface about corruption within the Oregon Department of Corrections, and the agency's possible link to Francke's death.

Many of the allegations were first made in a Portland newspaper, The Oregonian, where a columnist started asking a lot of questions about the police investigation of the murder. The first article quoted Patrick Francke, Michael's brother: "You want to know what I think? I think he discovered something within the (Oregon) system ... something that he was getting ready to turn over."

In the next year the columnist published 50 articles dealing with Francke's murder and the Department of Corrections. Other papers, like the Salem Statesman Journal and Willamette Week, also started following the story more closely. Interviews with Michael's other brother, Kevin Francke, indicated that the director had told him of an "organized criminal element" within his department.

The media and public soon began to speculate and criticize the police for not focusing intently enough on possible ties between alleged corruption within DOC and the murder.

There was little response to these complaints until September 1989, when Oregon Governor Goldschmidt announced he had appointed retired judge John C. Warden to head an independent investigation of DOC.

Warden's investigation lasted three months. His findings, according to the final report, confirmed the existence of "significant illegal activites or other wrongdoings" within DOC, but he found no "reasonable" link between those activities and Francke's death.

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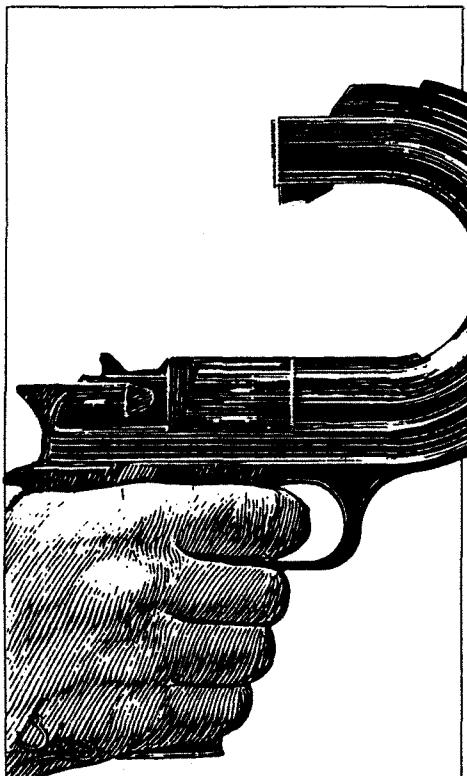
FRANCKE MURDER ... Continued from previous page.

Many Oregonians still have questions about what Francke could have meant when he told his brother of an "organized criminal element" and about his yet unsolved murder. The police investigation is continuing.

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page document, "Status Report: The Courts and the Prisons," is that 41 states are operating under court orders to reduce crowding and/or correct unconstitutional conditions. This annual report on prison litigation is available for \$3 from the American Civil Liberties Union.

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#### MOST PUNISHED FOR EXERCISING RIGHT TO JURY TRIAL

In 89% of the estimated 583,000 felony convictions in state courts during 1986, the defendant pleaded guilty instead of standing trial before a judge or jury, the U.S. Justice Department's Bureau of Justice Statistics said on February 25th. The Bureau said that a jury convicted 8% and a judge convicted 3% following a bench trial.

Larceny convictions had the highest percentage of guilty pleas (92%) while murder had the lowest (58%). Some of the conclusions of the report verified what most prisoners already know:

An estimated 71% of the felons convicted by a jury received a prison sentence, compared to 50% of those convicted by a judge and 44% of those who pleaded guilty.

Prison sentences were on the average twice as long for felons convicted by a jury (159 months) as for felons who pleaded guilty (72 months). The average sentence for a felon convicted by a judge at a bench trial was 103 months.

An estimated 47% of the people convicted by a jury of manslaughter or murder were sentenced to life in prison or to death, compared to 12% tried by a judge and 15% of the guilty pleas.

The Report, "Felony Case Processing in State Courts, 1986" (NCJ-121753), may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

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#### EX-CON CHARGED IN FRANCKE MURDER

Frank E. Gable has been charged with murder in connection with the killing of Oregon DOC Director Michael Francke. The ex-con Gable said: "I don't know how I first got implicated, but I'm real scared it's going to end in me getting (convicted) for something I ain't did."

Gable came to the attention of Portland police after a county jail inmate serving time with the ex-con said Gable had confessed to him. Gable was in the county jail for assaulting his wife, and was to be released in two more days. Francke was allegedly killed during a car burglary.

#### GUARD CHARGED WITH AIDING ESCAPE

An Illinois correctional officer was arrested in mid-February for allegedly providing inmates with hacksaw blades to aid in their escape from Joliet Prison.

According to Nic Howell, the public information officer for Illinois DOC, the 13 year veteran guard, William Smith, was charged with two counts of aiding an escape and other charges after six prisoners broke out of the maximum security facility. One of the prisoners has not yet been captured.

#### ONLY FIVE STATES NOT UNDER COURT ORDER, STUDY SAYS

Only five states (Minnesota, Montana, New Jersey, N. Dakota and Vermont) are not currently involved in major litigation over prison conditions, says a newly released report from the ACLU's National Prison Project. Another finding of the seven

## PRISONER GETS \$500 IN RECORDS SUIT

A prisoner in Michigan state sent a letter to DOC stating he'd received a major misconduct infraction and was found guilty. He then requested copies of the misconduct report, all statements and documents submitted at the hearing, the hearing investigation report and the hearing report, under the state's Freedom of Information Act. He sued the Department after repeated requests were denied.

The court found defendant's "arbitrary and capricious" denial of the records "breached the very intent" of the FOIA act. It ordered the Department to pay \$500 punitive damages and turn over the records. The appeals court upheld the award of punitive damages, as the defendant had "twice denied plaintiff's requests on the basis that his requests were not sufficiently specific and the records did not exist as described, despite the fact that the defendant's own records established the exact opposite was true. Eventually, defendants simply ignored plaintiff's requests." See Kincaid v. Department of Corrections, 446 N.W.2d 604 (Mich. App. 1989).

## \$241,000 DAMAGES UPHELD IN BEATING

A prisoner riot broke out when thirty prisoners forced their way into an area where they fought guards who were trying to remove a drunk prisoner. During the fight, one guard was fatally stabbed and several others wounded. When the disturbance quieted down, prison officials deadlocked the prisoners in their cages and conducted a general search.

Three prisoners filed a civil rights action against supervisory and non-supervisory staff, claiming that after order was restored, and inmates had been locked down in their cells, they were removed from their cages by two or more guards, thrown to the floor, kicked and hit, handcuffed and taken to an area where they were forced to "lie on their stomachs over a laundry table while officers kicked them and beat them with night sticks, fists and slap jacks."

A jury found in favor of the prisoners and assessed a total of \$241,000 in both compensatory and punitive damages. A federal appeals court upheld the awards.

It found that there was sufficient evidence to impose liability on supervisory personnel. The Assistant Director of Cor-

rections admitted seeing one of the plaintiffs being placed on a laundry table. A maintenance engineer testified that he was present in the area with this official while the beatings were taking place. The court found that the Assistant Director's failure to stop the beatings constituted deliberate indifference to the inmate's constitutional rights.

Similar findings of deliberate indifference were made regarding the Associate Warden and Captain at the institution, on the basis of failure to supervise and personal participation. Bolin v. Black 875 F.2d 1343 (8 Cir. 1989).

## FILTHY CELL VIOLATES EIGHTH AMEND.

A prisoner brought a civil rights action against the supervisory officers at the facility at which he was confined, claiming a violation of his rights under the Eighth Amendment to be free of cruel and unusual punishment. A federal appeals court found in favor of the prisoner.

The evidence showed that the inmate was confined for two years in a cell covered with filth and human wastes and that he was denied access to proper cleaning supplies, laundry service, and barber privileges. His mattress was torn and stained with urine and human waste, as were the walls, door, and food slot.

The appeals court upheld the thousands of dollars in damages awarded to the prisoner. It also noted that "proof of actual knowledge of constitutional violations is not" an absolute prerequisite for imposing supervisory liability. Reckless disregard will also suffice. The continued violations over a two year period, despite repeated requests was sufficient to hold the defendants liable.

The court rejected the defendants' claim of qualified immunity. It noted that the complaint did not allege that the prison system itself had mistreated him through improper policies, but rather that the defendants had ignored applicable prison policies. They were "not authorized to act as they did." Further, since they were "exercising no discretionary power, they are not entitled to qualified immunity." The court also said it should have been apparent to the defendants that their actions were in violation of the inmate's rights. Howard v. Adkison, 887 F.2d 134 (8 Cir. 1989).

## WITNESSES AT DISCIPLINARY HEARINGS

The plaintiff prisoner was confined in a special housing unit following an alleged assault upon a guard who was attempting to break up a fight between two inmates. At his disciplinary hearing, he requested that the two inmates be called as witnesses. The hearing officer declined to call either of them, however, stating that one was on a visit and thus unavailable and that he had already heard the other inmate's version of the incident in his own disciplinary hearing.

The prisoner filed a civil rights lawsuit claiming a violation of due process. The trial court has now awarded the prisoner \$5,300 in compensatory damages for his 53 days of wrongful confinement in the special housing unit, which was the sanction imposed in the disciplinary hearing. The court denied punitive damages, since no "evil motive or intent" or "reckless or callous indifference" was shown on the part of defendants. Patterson v. Coughlin, 722 F.Supp. 9 (W.D.N.Y. 1989).

## REQUIREMENT OF BUZZ WORDS ON ENVELOPE OF INCOMING LEGAL MAIL KILLED

A prisoner brought a suit challenging a Bureau of Prisons policy (P.S. 5265.8) mandating that letters from law firms, the courts, or any other communication which is considered privileged, be marked with special buzz words on the outside of the envelope. If the words "Legal/Special Mail - Open Only in Presence of Inmate" are not on the envelope, then the letter would not be recognized as legal and guards would read the letter.

The U.S. District Court ruled that the Bureau of Prisons "is hereby enjoined from opening outside of the plaintiff's presence or reading any incoming mail to him bearing an apparently genuine return address of an attorney, law firm, any court official or any government official, whether or not there are any particular markings on the envelope." The BOP is appealing the case. Stotts v. Meese, Case No. 86-813-CRT-DE, U.S.D.C. Raleigh, NC. The attorney for the prisoner was Marvin Sparrow, P.O. Box 27611, Raleigh, NC 27611.

## WALLA WALLA INSTALLS FOURTH BUNK

We here at the Walls are also experiencing the governor's state of emergency. Our captors have shut down 8-Wing for remodeling. In 6-Wing they have just installed the 4th bunk on A and B tiers, and on the rest of the tiers they've just put in the 3rd bunk. So they are getting ready to pack us in like sardines. One would think the governor would invoke the law allowing some of us to get out earlier, but then he would not be able to build more prisons.

Also the police have gotten super petty here. You can't even loan your neighbor a stinger without getting a minor tag. Yet convicts are going to take care of their brothers, a book, a magazine, a pack of smokes, couple of shots of coffee, a stinger. That's just being human. Pretty soon braking the law will mean nothing to us since we have to do it every day.

M.H.

## "DISRUPTION" AT CLALLAM BAY REPORT

Today at about 11:30 am tensions that had been building for some time erupted when a guy named Terry Grant was told that, because he was unemployed (there are only 150 jobs for 500 men) he was going on cell confinement. He had put in 28 job applications but there were no openings. So he said he wasn't going on cell confinement and they could take him to the hole. When the pigs came to get him there was a scuffle. He was wrestled to the ground and the Sgt. was pulling his hair and another pig was jamming his finger into Terry's eye. This was the second beating of a prisoner in less than a week.

The doors for the pod came open and some 10-15 outraged prisoners surged forth to defend Terry. In the process they beat the shit out of the pigs. It looked like at least three were bleeding and two had to be taken out on a stretcher. In the retreat back to the pod one prisoner was captured, but it took 8 to subdue him.

The rebellion spread to the other pods. Weapons were quickly made from chairs, mops, etc. Floors were wetted down and barricades made at doors. Some guys called their families and asked them to contact the news media. Attempts to smash the plexiglass dividing doors between pods were unsuccessful.



## CLALLAM BAY ... (Continued)

After awhile the warden came in. He refused to negotiate but heard first hand the frustrations, complaints, and grievances of the men. A tactical squad using mace, clubs, stun grenades, etc. regained control of pod 3. Pod 2 capitulated soon thereafter, and then our pod, pod 1, decided further resistance would be futile. The warden said he would discuss our grievances with us, giving us his "word." Three hours later a busload was taken to Shelton's IMU.

All of this is the pigs' own fault. The warden was sent a petition about one guard whose behavior is typical, who harassed and abused prisoners, yet the administration did nothing. Another petition was sent to the governor, who also did nothing. Dozens of grievances were filed over the pettiness and harassment, and again nothing was done. For weeks they had been told of the tension and resentment that was building. Today it just spontaneously erupted, as prisoners cracked under the constant repression.

Of course nothing will be done after this, and six months from now the same thing will happen all over again. The pigs will blame the prisoners and keep the harassment up.

## SRA OFFENDERS GET GOOD TIME OFF TERM

On March 29, 1990, in the case of In re Mota (Case No. 56284-9), the Washington Supreme Court ruled that the Department of Corrections must give good time credit for pre-sentence confinement (jail time) to defendants who committed crimes after July 1, 1984, the effective date of the SRA. To do otherwise violates the equal protection clause.

In so ruling, the court noted that rehabilitation was no longer a substantial state interest under the SRA, and administrative inconvenience involved in computing such credits was not a substantial state interest. The court reasoned that because the very purpose of the SRA was punishment, rehabilitation could no longer be a consideration (this was contrary to their ruling in State v. Phelan, 100 Wn.2d 508, for pre-SRA offenders.)

It would appear now that a "sharp" jailhouse lawyer could argue that to be "reasonably consistent" with the SRA, pre-SRA offenders must also be given good time credit off their jail time.

## WHO WE ARE .

Welcome to the first issue of Prisoners' Legal News. Your editors are Paul Wright and Ed Mead. While we have no "party line," this newsletter will tend to reflect our class orientation. If you do not want to be on the mailing list just write to our outside address and say so. We will drop you. If you want to continue receiving the newsletter, on the other hand, we will expect you to support us with donations of stamps or similar assistance.

The last publication I worked on was The Abolitionist, which started out to support the struggle against the digital rectal probes in the Intensive Management Units. That battle was ultimately won, and soon thereafter the newsletter fell in on itself. This time we have a new name for our paper, and a new issue as well. We are interested in getting the legislature, and/or the courts, to require that all indeterminate sentence cases be released from prison as soon as they have completed the amount of time they would have served if sentenced under the SRA. And that those individuals who have already served more than would have been imposed under the SRA be released immediately.

We understand that old guidelines people are a decreasing portion of the population. Moreover, we do not want to repeat the error of focusing on a single issue, which could cause things to fall apart once that goal was accomplished. Accordingly, with the help of like minded cadre in other institutions, we hope to generate a list of relatively short term objectives or goals.

We also need a long term agenda. One possible issue around which to build is the right to vote. The Thirteenth Amendment to the U.S. Constitution outlawed slavery for all but one category of people--those convicted of a crime. Certainly no one can argue that maintaining a segment of society in such a state, a state of political ignorance and disenfranchisement, serves either the needs of the individual or the public good.

By working to extend democracy to prisoners we can change from being mere criminals to the defenders of democracy. The first step is in overcoming our demoralization to the point where we can start communicating with each other around political issues. That search for answers is the start.

Ed Mead



## HUNGERSTRIKE IN SPAIN

Since November 30, 1989 42 political prisoners in Spain, mainly members of GRAPO (October 1st Revolutionary Anti-Fascist Groups) have been on hunger strike demanding their release from isolation and control units and an end to the campaign of repression against them which includes dispersion through the Spanish state, beatings, psychological torture, etc. 30 of the prisoners are now in critical condition because of the strike and their lives are in danger.

GRAPO prisoners are in prison for acts of armed resistance to the so-called social democratic state and the preceding Franco dictatorship. Inside prison these guerrillas have maintained a collective life, gained through a 1981 hungerstrike that left one GRAPO member dead. The Spanish state has been slowly taking away these gains with transfers and isolation tactics. Last fall the GRAPO prisoners responded with a hungerstrike to which the government quickly gave in to. After the recent elections in Spain however, they reneged on their agreement and started their campaign of harrassment and isolation over again. The hungerstrike resumed.

As a result of the serious health conditions of the prisoners the state has responded by forcefeeding the prisoners. However they aren't being fed enough to keep them concious, only barely alive. It is feared many will die a slow prolonged death as a result of this treatment. The demands are an end to the repression and dispersal of prisoners and to the force feeding.

Demonstrations in support of the prisoners have been held in Toronto with some 30 people demonstrating and handing out flyers (sponsored by Toronto ABC and

other prisoners support groups). Demonstrations have also been held at the Spanish consulate in New York city and the Spanish Embassy in Washington D.C. In Spain the media blockade is almost total but demonstrations and other actions have been held, including three policemen killed.

The Spanish state is renowned for the 8,000 political prisoners it has and the brutal treatment they receive. We want to stop the crimes being committed by the Spanish prisoncrats and their lackeys. Write to the Spanish embassy, organize protests against Spanish government facilities, airlines, etc. or write the below address protesting these injustices and that the government meet the GRAPO demands.

## WRITE TO:

Antonio Asuncion,  
Direccion General de  
Instituciones Penitenciarias  
Ministerio de Justicia  
Calle San Bernardo 47  
28015 Madrid  
Spain

## PRISON REVOLT IN ENGLAND

Prisoners in the horribly overcrowded Strangeways prison in Manchester, England rose in revolt on 1 April, 1990 protesting the conditions that had 1,660 men in a prison built in 1868 for 970 men. The prison does not have plumbing in the cells and lived in squalor, rarely allowed out of their cells except for weekly showers, eating and one hour's exercise a day in a dirty, crowded yard.

Prisoners took control of the prison, holding demonstrations on

the prisons roof for several days. It was several days before prison officials backed by riot police, were able to retake the prison. Damage is estimated in the millions of pounds and the prison will not be able to be re-opened for some time. There were unconfirmed reports that several sex offenders had been killed. The prisoners had not made any demands during the riot.

#### POLITICAL PRISONERS BEATEN

Novara, Italy, On January 30, 1990 20 political prisoners (members of the Red Brigades) held a sit in in the political prison to protest the continued solitary confinement of a fellow prisoner based on a guards trumped up allegations. After 30 minutes of refusing to return to their cells the prison warden led 80 guards armed with firehoses, clubs and shields to clear the yard. Many prisoners suffered broken hands and serious head injuries, some were beaten on their way to the prison dispensary.

The beating of the political prisoners is part of the Italian governments pacification campaign to force its political prisoners to renounce their political ideals and identities. Another attempt to crush its internal opposition.

#### "THE OTHER FACE OF EUROPE"

This is the title of a book printed by the Catalan Solidarity Committee in Barcelona. The book deals with the huge number of political prisoners being held throughout Western European prisons and jails because of their political beliefs and activities. The book contains sections in English, Spanish, French, German and Catalan. It has essays and articles written by political prisoners in Ireland, France, West Germany and Spain.

The book has a lot information in it about the actual situation of the prisoners in Europe. The book concentrates on the special repressive conditions meted out to these political prisoners. It goes a long ways in exposing the contradictory claim by many countries, including this one, that claim to have no political prisoners yet those who claim to be politically motivated

are singled out for harsher sentencing and extremely repressive conditions once they arrive in prison.

The book costs \$5.00 for "free" people, its free to prisoners. Available from:

CCSI  
Apdo. de Correos 2192  
08010 Barcelona  
Spain



"THE DEGREE OF CIVILIZATION  
IN A SOCIETY CAN BE JUDGED  
BY ENTERING ITS PRISONS."

#### "ACLU PRISON PROJECT JOURNAL"

Is published on a quarterly basis by the ACLU's prison project. It covers the various aspect of prison litigation and law, especially the latest trends in "corrections" and judicial action. Each issue also has a "Case Law" section which gives a short summary of recent prison and Habeas Corpus rulings in federal Courts. It is extremely informative and worth getting.

It costs \$2.00 a year for prisoners. \$20.00 a year for "free" people. Available from:

ACLU Prison Project  
1616 P St. N.W. Suite 340  
Washington D.C.  
20036

## MARK LaRUE GETS 14 MORE YEARS

After spending more than five years in Walla Walla's segregation unit as a result of his political work on the inside, Mark LaRue was subjected to an involuntary out-of-state transfer. He was then bounced from one jurisdiction to another for nearly ten more years. Finally, while housed in the segregation unit at the Joliet prison in Illinois, Mark took several prison employees hostage in an effort to secure his return to Washington. The incident ended after mark secured interviews with the news media, and after he was promised that he would be leaving Illinois as soon as his trial for hostage taking was over.

The legal proceedings are now completed, resulting in Mark receiving an additional 14 years, to be served after his Washington state time is done. Mark is now awaiting transfer to another jurisdiction, hopefully back to Washington.

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The average sentence is one year for every \$10 million stolen in white-collar crime and one year for every \$682 stolen in "blue-collar" crime.

The average white person's sentence for federal crimes is 35 months, for blacks 45 months. Black first offenders get terms averaging 18 month longer than white first offenders.

**Prisoners Legal News**

**FIRST CLASS MAIL**

TO: \_\_\_\_\_  
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## PRISONERS LEGAL NEWS

Working To Extend Democracy To All

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June 1990

### CLALLAM BAY DISTURBANCE UPDATE

As reported in the last issue of the PLN, there were 32 prisoners shipped from Clallam Bay to the Intensive Management Unit (IMU) at Shelton. The mainstream media reported that prison officials had told them there was a "brawl" between one prisoner and four guards lasting 45 minutes. Quite the fabrication to say the least. Communiques and letters accurately describing the true course of events have been sent to most of the Puget Sound media.

On 27 April, 1990, Seattle Times columnist Rick Anderson printed portions of the letter as well as the Department of Corrections (DOC) response. While confirming the major events, the DOC still insists there was no "riot."

That's certainly odd because several prisoners, Jason Groll, Scott Duey, William Blado, Robert Lee, Shawn Frietas, Robert Lindell and Terry Grant were all accused of "rioting" and found guilty at kangaroo court and sentenced to 540 days loss of good time, 30 days segregation, 20 in isolation, with IMU to follow up. So if there was no riot why is the DOC doing this to these men?

The true events were reported by at least one radio station, in Vancouver, B.C.

Three prisoners have been returned to Clallam Bay with no charges: Jeff Haines, Joe Lemere and Sherman Pulley. It has also been reported that DOC is attempting to locate the prisoner who "mooned" the warden and other staff, though on video tape, the prisoner has apparently not yet been identified.

The prisoners are appealing the disciplinary actions taken against them, as only one guard wrote all of the infractions and it was an obvious railroad.

Meanwhile, back at CBCC things remain pretty much the same. Once more F Unit is being filled to capacity, there are inadequate jobs, petty harassment continues.

(See CBCC Update on last page)

### WOMEN PRISONERS MEET BOARD

The Washington State Parole Board has been going from prison to prison setting new minimum terms for offenders serving time for murder. In 1989 the average amount of time served on a murder one was 150.1 months. Along came the Sentencing Reform Act (SRA), which is tougher on violent crimes, and now the Board is making adjustments to the terms of old guideline prisoners. Male prisoners have been getting minimum terms in the neighborhood of 300 and 400 months.

These new Board reviews, conducted as a result of House Bill 1457 that was recently passed into law, are under legal challenge by prisoners at Monroe and at other facilities within the state. The Board recently conducted 1457 reviews at the Purdy women's prison. A prisoner there provides this report:

Several 1457 reviews were done last month and the rest will be done this month. The recommendations ran to the top of the SRA guideline range in most cases. Nobody got 240 months. Warnings were given by the Board that these were only recommendations, and that it is likely the Board will return with even more time in the form of an exceptional sentence. The lowest recommendation was 257 months; the highest 380 (with a warning that it will likely come back even higher).

The way the Board is applying priors to determine the offender score is not done according to the SRA guidelines. For example, on a felony murder where the underlying crime (such as a robbery) encompassed the same criminal conduct and involved one victim, the Board is adding two points for the underlying crime and raising the sentence range. Purdy prisoners told the Board of its error in a letter, supported with case law, but the Board said they would stay with their interpretation. Litigation will most likely follow.

## EDITORIAL COMMENTS

We are encouraged by the response to the first issue of Prisoner's Legal News. We have created some controversy. Prisoners confiscated the master copy of PLN #1, another comrade and I received newsletter related infractions, and my cage was kicked in and trashed twice during a four day period. Such clear cut repression is a sure sign that we are doing something right. These are times in which controversy is a good thing, it leads to struggle. We hope to generate some controversy within the ranks of our prisoner readers with a campaign to combat discrimination against prisoners on the basis of their crimes.

One of the objectives of PLN is to be a forum through which readers can express comments on what they've read or to point out issues we should be addressing. We feel it is important to open up a dialogue with those who support us, as well as with those who disagree. We are not above criticism, nor do we claim to have all the answers. So give us your feedback and we will print as much as we can in the letters section of issue #3.

We also want to build links: Links between prisoners; links between prisoners and their families and supporters; and links between our seedling prison struggle and the many struggles people are engaged in in the outside community. It is through the building of such links that our efforts to extend democracy will depend upon. If you agree with what we are trying to accomplish, then why not pass your copy of PLN on to friends or relatives. As it will require the help of our loved ones if we are to build an outside support network.

Another way to support this paper is with a donation of stamps or money. So far all costs have been paid by prisoners. It is our own time and money that goes into getting this message to you. Send contributions of stamps or money to:

Prisoners' Legal News  
4557 - 8th NE #3  
Seattle, WA 98105

On the other hand, letters, articles, poetry and graphics can be sent to either:

Paul Wright #930783      Ed Mead #251397  
P.O. Box 5000      P.O. Box 777  
Clallam Bay, WA 98326      Monroe, WA 98272

The life-span of this newsletter is dependent on its meeting your legal, political and informational needs. You cast your vote on how long we will last by either giving or withholding your support.

Paul and I would like to express our deep appreciation to the Toronto ABC in Canada and the Oxford ABC in England, who have volunteered to reprint and distribute the PLN in Canada, Europe, and the Middle East. These comrades make it much easier for us to fulfill our obligation to prisoner-internationalism. This act of solidarity by the Anarchist Black Cross is but one example of the ABC's long and progressive history of prisoner support.

Finally, should the content of the PLN at times seem a little schizoid, it is because we were originally going to be a much larger quarterly that was to be aimed at political prisoners around the world. We completed the first issue of the Red Dragon, as it was to be called, but could not generate the necessary level of outside support needed to duplicate and mail the paper.

We then decided on a less ambitious project, a smaller monthly to be directed toward social prisoners in Washington state and their loved ones on the outside. Yet even as we publish we find it increasingly important to address issues beyond the intended scope of the PLN. In short, we may soon be carrying more national and international news and issues, as well as continuing to be a local informational sheet for Washington State's prisoners. We apologize to our readers for not being more clearly focused, and we ask for your patience as we grope for direction.

Ed Mead

-000-

The people enjoyed real freedom of thought  
The masses' rights were respected;  
The few who insisted on publishing things  
Were the only ones effected.

Heinrich Heine (1797-1856)

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## MARION PRISON TO BE REPLACED

It's gonna get worse, fellas. A March 30th report issued by the U.S. Bureau of Prisons says the BOP is going to replace the federal prison at Marion, Illinois, with a new maximum security penitentiary in Florence, Colorado.

Marion was built in the early '60s to replace Alcatraz Island. It holds about 400 prisoners and is the U.S. government's only level 6 (most secure) prison.

The money for the new ultra-max prison is already in the 1990 budget. Officials said nothing would change at Marion during the 2½ years it will take to build the new prison.

Reports say that Marion was not built for the super-high security mission it has been given in recent years. BOP officials want to "start from scratch" with a whole new joint.

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"There is something rotten in the very core of a social system in which crime grows even faster than the size of the population."

Karl Marx & Friedrich Engles  
Collected Works, Vol. 13,  
page 515, Russian Edition

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## 1989 CRIME RATE UP 3%

One would think that with all of the new prisons constructed over the past 20 years the crime rate would be going down. Not so, according to the FBI's Uniform Crime Reporting system. The feds say crime was up 3% in 1989. Crime rates rose 3% in 1988; a mere 2% during 1987; 6% during 1986; and 5% in 1985. The Crime Index increases took place in each geographic area of reporting.

The most rapid rise was in the area of violent crimes, which showed an overall 5% increase. Aggravated assaults grew by 5% while robbery jumped at 7%. While the murder rate averaged a 4% increase during the year, cities with populations between 10,000 and 50,000 experienced a 12% jump in murder rates.



## BLACKS HAVER HIGHER CRIME VICTIMIZATION RATE

Blacks are more likely than whites to be victims of violent crime, and the crimes against black victims are generally more serious than those against whites, according to a new study by the Bureau of Justice Statistics (BJS).

A review of the Bureau's National Crime Survey for the years 1979 through 1986 showed that blacks had an average annual violent crime victimization rate of 44.3 per 1,000, compared to 34.5 per 1,000 for whites.

The annual victimization rate for robbery was 13.0 per 1,000 for blacks, 5.4 per 1,000 for whites; for aggravated assault, 13.8 per 1,000 for blacks and 0.8 per 1,000 for whites.

Black victims of all types of violent crime were nearly twice as likely as white victims to have faced an offender with a gun -- 20% versus 11%. And blacks hurt during violent crimes were more likely than white victims to sustain serious injuries -- 24% versus 16%.

A copy of the 11 page report "Black Victims" (NCJ-122562) is available from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

## VICTIMS TO AMEND CONSTITUTION

A network of crime victims' rights advocates, concerned about difficulties in enforcing laws that were intended to give victims specific legal rights, is mounting a campaign to win ratification of amendments to state constitutions ensuring those rights. Six states have approved amendments to their constitutions providing some form of victim rights, and the Victim's Constitutional Amendment Network (Victims' CAN) predicts the movement will gather momentum in the 1990s.

The coalition's ultimate goal is an amendment to the U.S. Constitution that would add the following language to the list of a criminal defendants' rights: "Likewise, the victim, in every criminal prosecution, shall have the right to be present and to be heard at all critical stages of judicial proceedings."

Washington state is one of the six states to have already passed constitutional amendments. Washington's law, approved in

(Continued next page)

## VICTIMS' RIGHTS (Continued)

November of 1989, authorized both participation and restitution for victims. These amendments not only have the potential to run roughshod over the due process guaranteed defendants, they also fail to grasp that the criminal justice system is supposed to operate on the principle that it is the community, not the victim, who is wronged when a crime is committed. For more information write to:

Linda Barker-Lawrance  
National Victim Center  
Box 17209  
Fort Worth, TX 76102

## WOMEN PRISONERS RAPED, HARASSED BY GUARDS

As a result of a law suit filed late last year on behalf of 12 prisoners at the Ohio Reformatory for Women at Marysville, 18 prison employees have resigned or been fired for having "illicit relations" with female prisoners. The complaint charged numerous male employees with rape, sexual harassment and other sex crimes against women.

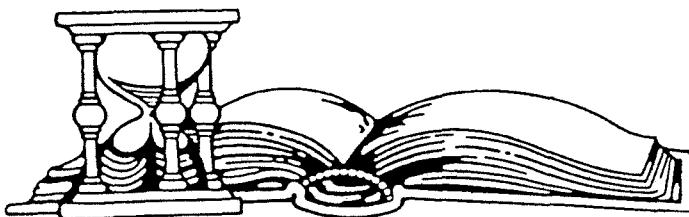
According to a report in the April 13th Columbus Dispatch, a total of 31 prison employees are being investigated, and reports of sexual assault were forwarded to the Ohio Highway Patrol for investigation.

## EPA FINING FLORIDA PRISON

Federal environmental officials plan to fine the State of Florida \$100,000.00 for pollution violations at the Florida State Prison near Starke.

The violations involve operations at the prison's sewage treatment plant. United States Environmental Protection Agency officials said April 18th the plant has been releasing nitrogen, ammonia and organic matter into the New River in levels higher than those allowed by law.

The violations began in November 1987 and continued through February of this year.



## STATE RENEGES ON WSR TREATY

The above headline is taken from an article in the Monroe Monitor of April 11th. "When a state senator gets fed up with broken promises from the state of Washington, you take notice." Said the article. It was Senator Cliff Bailey who was fed up because the state won't provide the promised community impact funds for double bunked prisoners at Twin Rivers prison.

The state's move to build the Twin Rivers prison at Monroe fueled active opposition from the community, and the town's mistrust did not abate until the state agreed to pay "continuing impact funds" of some \$200,000 annually. The prison was built and the impact money was regularly paid as promised for several years.

Then the state announced its intention to double bunk the 500-man Twin Rivers facility. The city of Monroe thereupon asked the state for an increase in their impact funds. The governor not only refused the increase, he cut off all funds to the town.

"We get nothing," said Ellie Snyder, Bailey's aide. "They take away what we have now, plus we get double bunking." Said Bailey.

Commenting on the state's ignoring its promise to pay mitigation funds, the Monroe Monitor concluded: "It makes us wonder if the state will bargain in good faith in the future." This is a question other communities who are seeking prison siting might well be asking themselves.

## IT ONLY GETS WORSE, SAYS DOC

The May 10th issue of the Seattle Times quoted Ruben Cendeno, director of the Division of Offender Programs for the state Department of Corrections (DOC), as telling a Washington Council on Crime and Delinquency sponsored forum that the Washington state corrections system is facing not only more overcrowding, but also an increasingly older prison population, more mentally ill inmates and prisoners suffering from the AIDS virus.

Cendeno said a recent tally showed 716 prisoners (or ten percent of the prison population) were serving sentences of 20 years or longer, 230 were in for life and 101 were sentenced to life without parole.

"It's projected that in the next six years the inmate population is likely to double," Cendeno said.

## THEM TODAY, US TOMORROW

"In Germany they first came for the Communists and I didn't speak because I wasn't a Communist. Then they came for the Jews, and I didn't speak because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me -- and by that time no one was left to speak up."

Pastor Martin Niemoller

The position of this newsletter is that divisions within the prison populations on the basis of crime (or offense) makes our captor's job of oppressing us a lot easier. The point we want to get across here is that what they do to the sex offender today they will be doing to you tomorrow. We also want to give you a peek at how Canadian prisoners have dealt with this issue, so you can decide if you want to follow their example. Let's start with a little local history.

About five years ago a bill was introduced into the Washington legislature to reinstate post-release supervision for sex offenders sentenced under the SRA (this state's new determinate sentencing scheme). A pitiful few of us advocated a campaign to resist this new form of parole. "To hell with the rapos," people said. Today that post-release supervision includes just about everyone sentenced under the SRA.

Couple years later and another bill is introduced that would limit sex offenders to only 15% of their good time, and it too passes without opposition. Surprise! Effective July 1, 1990, a new law will restrict good time in the same way for whole categories of violent offenders.

The last session of the legislature passed a bill into law that authorizes the civil commitment of violent sex offenders even after they have served all of their time. There was no interest on the inside in opposing this bill either. In about a month a 36 bed facility will be opened at Monroe to house sex offenders who have been subjected to civil commitment. And the beat goes on ....

If you think Washington's prisoners are messed up in the area of offense discrimination, you must take a peek at the

mess created by Canadian prisoners in their approach to sex offenders.

"Sixteen years ago," writes Canadian prisoner William Makey in the recent issue of Prison Journal (#8), "was the first time I heard about guys in protective custody -- twenty or so out of a thousand federal prisoners in B.C. By 1978, there were 1,000 federal prisoners doing their time in protective custody units (PCUs) -- roughly ten percent of the total federal prison population across Canada. Today nearly half of the (B.C.) prison population is housed in PCUs."

Charles Berg, writing in the same issue of the Journal, places responsibility for this situation on prison administrators. "Before the present split between General Population and PC," he says, "the division was between prisoners and staff; and the inmates made up a community of their own within each prison. In order to break this up, staff adopted the time-honoured policy of divide and conquer: namely, segregate certain inmates and get the two groups fighting between themselves. The advent of PC status accomplished this."

In today's Canada rapists (or "skimmers" as they are called) and other sex offenders are not permitted in the general population. Their fellow prisoners check them in with this result: "The degree of prison disturbances in the 1980s is almost minimal when compared to ... the previous decade, when the protection policy was just beginning." Mackey, *supra*.

One can get a sense of the intensity of feeling around this subject through the words of Erle Macaulay, a Canadian prisoner who believe the current method of dealing with sex offenders is just fine. "Those convicted of committing acts of sexual violence against women and children are not permitted in the General Population of any worthy prison.... We prisoners refuse to be classified alongside these State-created and cultured abominations. We refuse to share anything with them. They are not prisoners." Journal #8

We do not pretend to have any answer to the problem of protective custody. Our concern is one of how our populations are relating to sex offenders, not PC residents. Are we going to blindly stumble down the dead end path taken by our comrades in the Canadian prisons, until we can't do anything but fight each other? Let's hope not.

Ed Mead

## A HISTORY OF REHABILITATION UNDER WASHINGTON STATE LAW

By Matt James

[Editor's Note: The Revised Code of Washington provides that the Parole Board "shall not ... release a prisoner, unless in its opinion his rehabilitation has been complete and he is a fit subject for release." (RCW 9.95.100) The Board has never defined the meaning of the word rehabilitation. Old guideline prisoners, the only ones who must be rehabilitated, are treated no differently than SRA offenders, who are merely being punished. What follows is a recent history of the law of rehabilitation as it has unfolded in Washington state.]

Persons who committed drug related offenses prior to July 1, 1975, had a statutory right, created through RCW 69.32.090, to be rehabilitated by way of treatment programs within the prison. That statute was then repealed during the 1975 legislative session. See, State v. Barnett, 17 Wn.App. 53, 55 (1977).

In 1977, the state Supreme Court held, in the case of Bresolin v. Morris, 88 Wn. 2d 167, that rehabilitation of convicted persons is a legitimate governmental interest and institutional goal, but it is not an enforceable right of institutionalized prisoners. The court reasoned that "[t]he legislature in this state has also adopted rehabilitation as a penal goal" through RCW 72.08.101. However, the court went on to say, "the entire concept of rehabilitation as a practical goal of confinement is under question." Id. at 173.

The statute (RCW 72.08.101) that gave the state a penal goal of rehabilitation was amended in 1979. In 1981, the same year the Sentencing Reform Act (SRA) was adopted, RCW 72.08.101 was again amended to point to the intent of the "Corrections Reform Act of 1981." The intent of the 1981 act did not mention rehabilitation but stressed that "the system should punish the offender for violating the laws." See RCW 72.09.010(2). Title 72.08 of the RCWs was later repealed.

In 1983 the state Supreme Court addressed the relevancy of rehabilitation as a state interest in denying credit for jail time. See State v. Phelan, 100 Wn.2d 508. The court said: "While the need for rehabilitation is concededly one factor, and may once have been the sole factor,

which the Board ... considers in setting minimum terms..., this is no longer the case. The Board is as much concerned with just punishment, deterrence, and incapacitation as with rehabilitation." Id. at 514.

Up until this point the Board was never required to set a minimum term reasonably consistent with the SRA. When the SRA became effective in 1984, the Board was required to make decisions reasonably consistent with those ranges and standards. See RCW 9.95.009(2). See also In re Myers, 105 Wn.2d 257 (1986). As a result of the Myers decision the legislature amended RCW 9.95.009(2) to clarify its intent. Notably different from the "ranges and standards" previously considered, was the requirement that the Board, when setting minimum terms and parole release decisions, consider the purposes of the SRA.

The Board has finally started to consider the sentence ranges of the SRA and has grudgingly provided some written reasons for not setting a term of confinement within those ranges. What the Board is not doing, however, is considering the "just punishment" format which was the purpose and very heart of the SRA. See In re Mota, 114 Wn.2d 465 (1990).

In 1977 rehabilitation was a questioned goal, by 1986 the Board was only required to balance rehabilitation interests with just punishment. The question is whether rehabilitation is still a justifiable state interest for denying parole after 1986? Also, is RCW 9.95.009(2) unconstitutional as applied because the DOC no longer provides rehabilitative programs to pre-SRA offenders, since all offenders are treated exactly the same.

While no one has tried to define rehabilitation to prisoners, the state legislature has declared it to be vocational and educational programs within the institution. See RCW 72.62.010.

For those who have been denied parole because of infractions, a person could make an argument that due process was denied by the Board extending his or her minimum under RCW 9.95.100, when proper notification to prepare a defense would be under 9.95.080. It would also appear that the Board is violating everyone's due process rights by holding parole release hearings under 9.95.100. The proper statute for release decisions is 9.95.110, except for people who had their original minimum term set at the maximum term.

## DOC SETTLES IMMIGRATION SUIT

By Paul Wright

The INS (Immigration and Naturalization Service) in collusion with the DOC holds deportation hearings at the Wash. Corr. Center in Shelton for so-called "criminal deportee's", these are convicted felons who have had their immigration status revoked because of felony convictions. At these "hearings" the accused is allowed counsel at his expense, which few can afford. The Seattle Chapter of the National Lawyers Guild, under the direction of immigration chair Bernice Funk, has attempted to alleviate the worst aspects of this situation by providing deportees with the assistance of law students and paralegals on a volunteer basis. This is allowed under immigration law but requires the consent of the IJ (Immigration Judge). To date, IJ Nail has largely rejected all such volunteer counsel for the deportee's on one ground or another, leaving them without representation.

Most of the deportee's do not speak English and are from a Hispanic, Viet-Namese, Tagalog, etc., background with little knowledge of English. Several months ago the WCC chaplain, Vern Flesnor, was fired by the DOC for attempting to inform Hispanic prisoners of their limited rights at these railroad "hearings". After being fired for his efforts Mr. Flesnor filed suit against the DOC. The DOC settled the suit out of court. In its settlement the DOC acknowledged the problems with the current system and part of its obligation under the settlement order consists of: The state endeavoring to provide actual translation of the order to show cause and notice of hearing in the prisoners primary language in a reasonable amount of time of receipt of the order and notice. The state also agreed to make an effort to inform prisoners, in their native language, of their rights and responsibilities under the Immigration Reform and Control Act, 8 CFR 242.1 (c) and 242.13.

Section 242.1 (c) provides that the INS advise a deportee of the charges in the order to show cause,

that any statements may be used against the deportee and that the deportee may be represented by counsel of his choice at his expense.

The whole proceeding is set up so that the government can deport the largest amount of prisoners in the shortest amount of time. With up to 10 to 20 prisoners being "processed" (e.g. deported) a day. On the outside, immigration hearings normally take several days while witnesses are heard, the deportee speaks, etc. All of this is effectively denied in the railroad hearings at Shelton.

In view of the large problems in getting counsel for these prisoners and the IJ's resistance to volunteer counsel by law students and paralegals I believe that attorneys, legal groups and concerned citizens should make an effort so that the DOC will purchase texts concerning immigration law, immigration statutes and other information that deportee's in immigration hearings need to be aware of. As it stands now, no prison law library in the state of Washington has any immigration law materials except for those that have been sent in in photocopy form by attorneys. The law library at the Penitentiary refuses to make even these materials available to prisoners with detainees.

Immigration law and materials do not appear on the minimum mandatory lists for prison law libraries, which as recent lawsuits in Purdy, WSR and Shelton have shown, are not inclined to meet the bare minimum standards. As it is highly unlikely that any deportee's will be represented by counsel at the deportation hearing, their best chance is to at least have access to immigration law materials in order to read them themselves or so that other prisoners can explain it to them. The WSP law library has two books which translate common legal terminology into Spanish. Bi-lingual and Multi-lingual materials should be available in all prison law libraries. To this end, it will be necessary for organizations such as the Bar Association, Immigration projects, etc. amend their minimum required law book list for prison law libraries to include immigration law.

## BOOK ON WASHINGTON PRISONS

"Impacts of Washington State's Correctional Institutions on Communities" is the title of a study available at no cost from the Washington State Institute for Public Policy. The study was commissioned by the state legislature in 1988. The main purpose seems to have been to find out what effects prisons have on the local community. With opposition to the building of new prisons the legislature and DOC wanted some type of statistical study to show their opponents. The results of this study are that there are few, if any, negative impacts on communities. For example, the biggest problem in Steilacoom from McNeil Island prison is that parking has been adversely affected.

The report contains a wealth of historical and statistical information about all the medium and maximum security prisons in the state. I highly recommend the report and suggest that anyone interested in prisons in this state get the report. It is available from:

Washington State Institute for Public Policy  
Evergreen State College  
3162 Seminar Bldg. TA-00  
Olympia, WA  
98505

(206) 866-6000 (ext.6380)

## WAC NOTIFICATION LIST

Under Washington state law, each state agency which proposes a change in the Washington Administrative Code (WAC) must notify interested parties of the changes that it is proposing to give the citizens an opportunity to contact their legislators, organize against it, etc.

Under RCW 34.05.230(2) any interested citizen can write the relevant agency and ask to be put on their WAC notification list, should the DOC propose any changes in the WAC's. Under RCW 34.05.320(3) persons can also request to receive notice of interpretive rules (what the DOC thinks the WAC's

mean) from the DOC. The DOC maintains a WAC notification list. To be added to it write:

Gary Banning  
ATTN: WAC Notification List  
P.O. Box 9699  
Olympia, WA  
98504

## ABOLISH THE DEATH PENALTY!!!

### Here in Washington state

the Washington Coalition to Abolish the Death Penalty (WCADP) is working to do just that. They have a variety of resources available, including a quarterly newsletter. The Coalition is a variety of religious, civil liberties and civic groups opposed to the death penalty. The newsletter contains news and statistics about the death penalty nationwide as well as specific actions. (Vigils, speaking engagements, etc.,) here in Washington state. For more information contact:

Teresa Mathers  
WCADP  
1720 Smith Tower  
Seattle, WA  
98104

### Other resources:

Texas Abolition Network  
P.O. Box 832041  
Richardson, TX  
75083-2041

Nat. Coalition Against the Death Penalty  
1419 "V" St. N.W.  
Washington D.C.  
20009



## PRISONER AIDS SUPPORT NETWORK

The Prisoner AIDS Support Network is already in contact with the inside and outside prisoner AIDS activists in Canada and the U.S. Experience is showing that fighting homophobia and institutionally induced ignorance through peer education programs inside can make a difference in knowledge of transmission and treatment of Prisoners With AIDS (PWAs). These inside activists need strong outside support in order to function within the repressive and often hostile institutions. And prisoners living with AIDS particularly need high quality, current AIDS and treatment information.

The Prisoner AIDS Support Network is interested in networking with other activists who want to work along these lines. If you can help, or if you know someone who needs AIDS related assistance, then have them contact:

Prisoner AIDS Support Network  
P.O. Box 1171, Station A  
Toronto, Ontario, Canada M5W 1G6

## NEWSLETTER FOR PRISONERS WITH AIDS

The Prisoners With AIDS - Rights Advocacy Group (PWA-RAG) was founded by prisoners in May of 1988. The PWA-RAG newsletter is published by Jim Magner and Larry Snyder, both prisoners at the federal medical center in Springfield, MO.

PWA-RAG offers support and educational materials to prisoners that are having problems related to the HIV virus. The group is seeking to lobby for improvements in living conditions for HIV positive prisoners. For a copy of the newsletter you can write to:

Jim Magner #38670-019  
P.O. Box 4000  
Springfield, MO 65808

## JAIL POPULATIONS UP 54% IN 5 YEARS

In a special report "Population Density in Local Jails, 1988," the U.S. Justice Department's Bureau of Justice Statistics (BJS) recently announced that between 1983 and 1988, 5.3 million square feet of new housing space and 29,000 guards were added to jails throughout the U.S. This is a 44% and 65% increase respectively.

According to BJS, during the five year period the inmate population grew by 54% -- from 223,551 to 343,569 men and women. Consequently, housing space per inmate decreased by 6%, from 54.3 square feet to 50.9 square feet per prisoner.

There were 284 suicides among the 667 deaths in the nation's jails during the 12 months prior to June 30, 1988.

## PRISON POPULATIONS TO GROW 68% BY 94

Prison populations are expected to increase by about 68% by 1994, according to a report by the National Council on Crime and Delinquency. Effects of the "war on drugs" are expected to overwhelm the nations correctional systems during that time. Other findings include:

The states will require an additional \$35 billion to build and operate prisons over the next five years.

By 1991, California will become the first state to exceed 100,000 prisoners; by 1994 it will have over 134,000 prisoners. It will cost an estimated \$4 billion annually to operate California's prison system by 1994.

The already disproportionate rate of Black and Hispanics being sent to prison will increase considerably.

Despite the increased use of incarceration, there has been no positive impact on crime rates. In fact, crime rates have increased by nearly 13% since 1984.

## DROPOUT RATE AND PRISON POPULATIONS

The surest way to cut the nation's prison population, says a new private study, is to reduce the high-school dropout rates. "Eighty-two percent of America's prisoners are high-school dropouts," says the study by the Institute for Education Leadership.

Citing links between educational achievement and crime, the study says the prison system is absorbing a disproportionately large amount of money because it eats up resources that otherwise might go to programs proven effective in lowering dropout rates.

By and large, states with the best rate of high-school graduation have very low rates of prisoners, the report finds. Minnesota, with a best in the nation dropout rate of 9.4%, has the country's second lowest inmate rate -- 60 prisoners per 100,000

## DROPOUTS ... [Continued]

Population. The other top 10 states for low dropout rates are also below the national average of 228 prisoners per 100,000 population

Florida has the worst dropout rate, 41 percent, and one of the highest incarceration rates, 265 prisoners per 100,000 population.

## CBCC UPDATE (Continued from page 1)

Write to the comrades listed on page 1, or put them on your mailing list if you have a publication, etc., so they don't feel too isolated. Their address is P.O. Box 900 (IMU), Shelton, WA 98584

Paul Wright

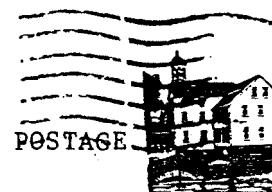
## LEHMAN LEAVING

Pennsylvania Governor Robert Casey recently announced that Joseph Lehman, 46, the Assistant Secretary of Washington State's Department of Corrections, has been selected to head the Pennsylvania Department of Corrections. Lehman will be overseeing a prison system about three times as large as Washington's which is beset with severe problems of overcrowding, racism and inadequate facilities. Lehman's predecessor, David Owens, Jr. resigned as a result of recent riots.

Lehman had worked with the Washington DOC since 1969 when he worked as a probation and parole officer. When employed as the head of the Monroe Command Lehman approved computers to be purchased by prisoners and kept in their cells.

Prison Legal News  
4557 - 8th NE #3  
Seattle, WA 98105

TO: *CH-29*



# Prisoners' Legal News

## *Working to Extend Democracy to All*

Vol. 1, No. 3.

July 1990

### B.O.P. DENIES MEDICAL TREATMENT

Dr. Alan Berkman is currently serving a 12 year sentence for conspiracy to aid and abet possession of weapons and explosives. He is currently facing trial for Seditious Conspiracy. Dr. Berkman has a long history of political activism and putting medicine in the service of the people, including service in Harlem, Wounded Knee, and for the Attica Brothers.

Four years ago Alan diagnosed himself as having cancer of the lymph nodes (Hodgkins Disease). After a successful pressure campaign, Dr. Berkman was given the treatment he needed and the cancer went into remission. He has never had follow up medical care on schedule.

After a long delay and many problems, a CAT scan revealed that Dr. Berkman had a recurrence of the cancer. The Bureau of Prisons (BOP) refuses to provide him with the necessary medical treatment. Both the Mayo Clinic, which has a BOP program, and the Lombardi Cancer Center at Georgetown are appropriate places for this treatment. The BOP wants to instead return Alan to the infamous Marion Prison, and from there to ship him to Springfield's federal medical prison, which is not equipped to deal with this type of illness.

Readers are urged to write to: Micheal Quinlan, Director, Bureau of Prisons, 320 First Street N.W., Washington, D.C. 20534. Demand that Dr. Berkman receive the proper medical care and attention.

For more information on the trial of Dr. Berkman and the other Resistance Conspiracy defendants, write to:

Washington Political Prisoners Emergency Committee

P.O. Box 28191

Washington, D.C. 20038

PLN readers are urged to support Dr. Berkman and the Resistance Conspiracy defendants in any way possible.

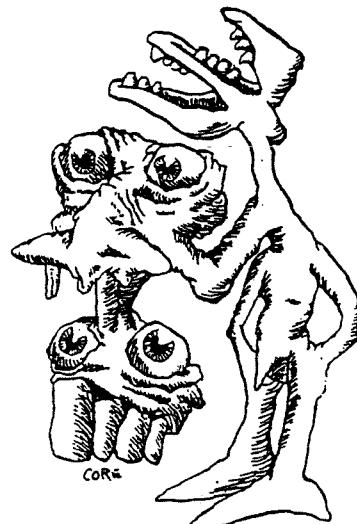
### PRISON POPULATION RISES 12.1%

The Bureau of Justice Statistics (BJS) has issued its annual bulletin on prison populations. The report stated the number of state and federal prisoners in the U.S. grew by a record 76,099 prisoners during 1989. This figure now reaches a new high of 703,687 men and women in the nation's prisons. The number represents a 12.1 percent increase over the 627,588 prisoners held at the end of 1988.

The report noted that at the end of 1989 there were 373,866 more prisoners than there were at the end of 1980, which is an increase of about 113 percent.

There were 39,689 female prisoners and 663,998 male prisoners as of December 1, 1989. The number of women prisoners increased by 21.8 percent last year, whereas the number of male prisoners grew by 11.6 percent. The female population has grown at a faster rate than has the male population every year since 1981, when women were 4.2 percent of the total prison population compared to 5.6 percent last year.

Washington state had 5,816 prisoners at the end of 1988, and 6,928 at the end of 1989, for an annual increase of 19.1 percent.



## LEGAL NOTES

### CIVIL RIGHTS SUIT FOR DAMAGES AGAINST STATE PRISON OFFICIALS IN INDIVIDUAL CAPACITIES

Two prisoners filed a civil rights damage suit against state correctional officials, charging that they were denied due process because they were not given a timely hearing before being placed in segregation. The court noted that, under Will v. Michigan, 109 S.Ct. 2304 (1989), state officials sued in their official capacity for damages are absolutely immune from liability under the Eleventh Amendment, because states are not "persons" for the purposes of 42 U.S.C. sec. 1983.

The U.S. Court of Appeals for the 6th Circuit, therefore, held that when plaintiffs suing state officials for damages do not make it clear in their complaint that they are suing the state defendants in their individual capacity for damages, rather than simply in their capacity as state officials, the court should dismiss the complaint. See Wells v. Brown, 891 F.2d 591 (6 Cir. 1989).

### PLEADING SUPERVISORY LIABILITY

Prisoner seeking to sue prison officials in section 1983 Civil Rights actions must allege either personal involvement and/or supervisory liability by administrators in order to state a claim.

"To hold supervisors liable under section 1983," the court said at page 645, "a plaintiff must show that a superior had actual knowledge that his subordinates caused deprivations of constitutional rights and that he demonstrated deliberate indifference or 'tacit authorization' of the offensive acts by failing to take steps to remedy them." An allegation that a prison supervisor, most generally a warden, knew about the assaults in this case and their connection with inadequate training and supervision stated a claim against him. Pool v. Mo. Dept. of Corrections, 883 F.2d 640 (8th Cir. 1989).

### PRISONER ADVISORS REINSTATED

A warden's refusal to reappoint four inmates to their positions as inmate legal advisors has been overturned by a federal appeals court.

The inmates sued, alleging that the warden had refused to reappoint them because

they criticized the performance of the chairman of the disciplinary board.

The court held in favor of the inmates noting that it was constitutionally impermissible to terminate the appointment under the circumstances. "Prison officials may not retaliate against an inmate for exercising a constitutionally protected right." Since prisoners retain some First Amendment rights, the warden could not refuse to re-appoint them because they exercised their right to free speech by criticizing the chairman of the disciplinary board, according to the court. See Newsom v. Norris, 888 F.2d 371 (6 Cir. 1989).

### COUNTY FINED \$500,000 FOR DELIBERATE INDIFFERENCE

A federal appeals court upheld a damages award of \$500,000 because of a physician assistant's deliberate indifference to an inmate's serious medical needs.

The county road camp prisoner in Florida injured his leg when he jumped off the bed of a work crew truck on July 1, 1982. Between then and his discharge in September, 1982 he continually requested medical treatment. Although he was seen by the physician's assistant assigned to the camp, on at least five occasions, the PA refused to have the prisoner's leg x-rayed or to allow him to be examined by a doctor.

The prisoner had himself examined by an orthopedic surgeon upon his release. X-rays revealed that he had sustained a fracture in the round part of his hip joint. According to the orthopedist, the failure to perform surgery following the fracture caused a collapse of the roundness of the bone and made necessary a complete prosthetic hip joint replacement, including both the ball and the socket.

The prisoner sued the county alleging that he had suffered permanent physical impairment as a result of the deliberate indifference to his serious medical needs. The court noted that the prisoner had to wait 15 days after submitting his first request for treatment before even being seen. Then, in response to mounting evidence that the injured leg was not improving, the PA refused to let the prisoner see a doctor or go to the hospital. Also, the PA never apprised his superior of the prisoner's situation. Manedl v. Doe, 888 F.2d 783 (11th Cir. 1989).

## MENTAL CASES WAREHOUSED IN IMU

By Mark LaRue

You would not believe how they are running the Intensive Management Unit (IMU) here at Walla Walla. The tier I am on is filled with nuts who loud talk day and night. Mental health staff openly admit that these people are housed on tiers throughout the IMU. But they deny that the IMU is being used to warehouse the insane. Worse yet, they deny IMU is used to house their disciplinary problems, and they insist that it's okay to discipline mentally disturbed prisoners in the same manner as other inmates.

Needless to say, they do not explain how they are able to do that without housing them in IMU. But it goes without saying that they are doing precisely that. IMU guards acknowledge as much, too. And none of them like having to deal with these guys one bit. Moreover, the cops are not trained to deal with the disciplinary behavior of mental cases.

This lack of adequate medical supervision, I believe, led to the death of an IMU inmate last week. From what I hear he was an epileptic and died from a seizure induced by a lack of medication. He had been on the Third Floor of the prison's hospital [the mental health unit] a few times, and I suspect he was an epileptic with mental problems as well.

I have already filed a law suit over the conditions here. Nuts are screaming all hours of the day and night. The place has very bad acoustics; the noise level is amplified by the construction of the tiers. It's like living inside an echo chamber.

Added to the noise is the so called night lights that remain on 24-hours a day. Officials swear up and down that they are "low level" lights. But I'd bet my lights are 75 to 100 watts at least.

So I am suing over all of that as well as the behavior modification program they are running here. Administrative segregation guys can't even order regular store. It is a privilege we must "earn" now. After 8 weeks of clear conduct you can request promotion to a level which allows you to order store. But if you are infraacted, not found guilty, just infraacted, you are automatically demoted to a lower level.

I'll have more to say about IMU in the future.

## BANKRUPTCY DECLARATION VOIDS COURT ORDERED RESTITUTION

On May 29, 1990, the U.S. Supreme Court ruled that criminals can avoid paying restitution for their crimes by declaring bankruptcy. The court, in a 7 to 2 ruling, held that restitution orders as part of criminal sentences are "debt" under the federal bankruptcy laws and as a result can be wiped out by declaring bankruptcy.

The ruling came in a welfare fraud case from Pennsylvania. Edward and Debora Davenport pleaded guilty to welfare fraud and were given probation and ordered to make monthly restitution payments until they had paid a total of \$4,144. The two later declared bankruptcy and listed the restitution payment as a part of their debt and made no payments. The state sought to collect the money. The case ended up in the Supreme Court, which ruled that the restitution order was to be treated like any other debt in bankruptcy. See: Pennsylvania Public Welfare Department v. Davenport, #89-156.



## LETTERS FROM READERS

Hey - I got issue #2 of PLN tonight. I read the article on sex offenders and thought it was excellent. Not only was I not offended, I agree with you 100%.

Look - we all have our prejudices as to what is an "okay" crime and what isn't. I don't think the views on such things have really changed much over the years. But what I see as the single most damaging aspect, that which blocks progress for the good of all, is that people can't (or won't) set aside their petty judgments and differences to unite in a common cause.

I have to say the one good thing (other than winning) that came out of the [cross gender] search case here [at Purdy] is that 95% or more united on a level of commonality that overcame the bullshit. That's too rare.

Constantly I hear people talking about how fucked up everyone else is in this madhouse, and many times I have had friends, close friends, look at me in silence when I say isn't it a shame that we waste all that energy and focus on each other instead of directing it where it belongs.

On that level I can neutralize anything. I don't care what a person's crime is. We're in the same boat. Of course there are other levels to deal with on a day-to-day basis, but you put that shit aside to accomplish a thing.

Rapos, rats, punks, heavies; recluses - we are all prisoners. Some will never be close friends, but there is no way to improve our lot if we can rise above these differences if necessary. I saw them put it aside once and hope to see it happen again.

--Woman prisoner at Purdy

I like your newsletter. It is badly needed. If I get this job I will be able to help you out financially.

What you wrote about sex offenders was good. I want to share something with you from the book **Victims No Longer** by Mike Lew. It is a description of the power involved in the sex offender dynamic.

He says that perpetrators of such crimes seek to achieve power so as to avoid further victimization. In a world divided into victims and perpetrators, abuse can be interpreted as power. The only way of masculinizing (empowering) himself seems to be by turning someone else into a victim. As terrible as it feels to be an abuser, it feels like his only possibility of leaving the role of the victim. And he never want to play the victim again.

I have no doubt that [the foregoing] is much of the reason why so many child abusers are found to have been abused themselves.

--Prisoner's wife, Kent, WA

I've already sent a book of stamps to the outside address of your zine. I though it was a fine issue - liked the blend of legal decisions, first person stuff, and interesting facts. I think the zine will work for both those inside and out, can be read by both.

--Out-Of-State Reader

Here's a band wagon I'd like to see a few hundred people jump on: If you would look at our [Washington] state constitution it says that conviction shall not (a mandatory term) work a disadvantage of property. Following that, somewhere in RCW 10.01 there is statutory authority for "remission of restitution." Up to 80 percent of all prisoners are indigent and yet are shouldering a [financial] burden of sometimes thousands of dollars which are automatically inflicted upon conviction by the sentencing court. Here lies fertile ground for a flock of PRPs and a chance for the not-too-well-off prisoners not to face going back to the joint for failure to pay what he does not have.

--Shelton Prisoner, Wash.

Not more than a few days ever go by without some resident coming up to me and saying his public pretender didn't (some major malfunction) at trial, or that he was coerced into a guilty plea because he would get a higher crime charged and/or six times the guideline range if he didn't play ball. "All the better to build five new prisons with, my dear," said the wolf. Oh how I wish the Union of Soviet Washington could adopt restructuring and openness, and to have a new two party system like Russia instead of just the G.O.B. (good ol' boys).

--McNeil Island Prisoner

Here are some stamps. Keep up the good work with the newsletter, and keep me on the mailing list.

--Ex-Prisoner, Olympia

Recently sent stamps to the address in Seattle in order to get a copy of the newsletter. I'll support it in any way I can. It's great that something like this has started. Keep 'em coming. We need this paper.

--Shelton Prisoner, Wash.

## FASCISM, ANOTHER STEP NEARER

### [SSB-6259 Is Not Just For Sex Offenders]

Senate Substitute Bill 6259 is now law in this state. Most of its provisions came into effect on July 1, 1990. Most of us have heard of this law as the sex offender bill that allows civil commitment of such prisoners after they have served their sentences. SSB-6259 has a lot of other provisions that impact not just sex offenders, but those convicted of serious violent offenses as well. Here we will take a look at some of those provisions.

Community Notification: "At the earliest possible date...before release...the department of corrections shall send written notice of parole, community placement, work release, furlough or escape about a specific inmate convicted of a violent offense or a sex offense...to all of the following." The law then lists the chief of police and county sheriff where the prisoner will live, and if requests have been made, notification is extended to the victim (or next of kin in homicide cases), any witnesses who testified against the inmate, and any other person specified by the prosecuting attorney. (See Sec. 121) Officials are also able to release information from a prisoner's records to just about anyone, and are made immune from liability for any harm resulting from such releases of information.

Earned Early Release: "In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence." (Sec. 201)

Criminal Sentencing: The SRA sentencing grid has been made substantially more harsh for both sex offenders and person who have committed violent crimes. Assault one, for example, has moved from a seriousness score of XI to XII, and the punishments were also increased. (See sec. 701) There are several other penalty enhancement provisions, particularly for sex and violent beefs, that are too complex to deal with here.

Registration of Sex Offenders: "Any adult or juvenile residing in this state who ... has been convicted of any sex offense shall register with the county sheriff" of residence. (Sec. 402) Registration includes giving fingerprints, photographs, etc., and must be done each time an offender moves. Failure to register is a class C felony on

which there is no statute of limitations.

Sexual Motivation in Crime: "The prosecuting attorney shall file a special allegation of sexual motivation in every criminal case ... when ... evidence exists ... (that) would justify a finding of sexual motivation by a reasonable and objective fact finder." (Sec. 601) What this means is that a finding of sexual motivation, similar to the present finding of being armed with a deadly weapon, would mark those confined for burglary, assault, etc. as really being sex offenders. Thus the actual number of sex offenders in prison is going to materially increase.

There are many other provisions of this lengthy new law (131 pages long), such as the much discussed civil commitment section, that the reader may want to study. While civil commitment is just for sex offenders today, next year or the year after it could easily be extended to include violent offenders as well. For a copy of the entire bill write to: Statute Law Committee, Office of Code Reviser, Legislative Building (MS/AS-15), Olympia, WA 98504. Ask for Senate Substitute Bill number 6259.

### SUMMARY JUDGMENT ON RETALIATION

The prisoner's appearance in court was a protected activity, and prison disciplinary action, taken immediately upon his return from court, provided circumstantial evidence that prison officials retaliated against him for the exercise of his right of access to the courts.

The court cited numerous cases in support of the proposition that "retaliation for filing lawsuits and administrative grievances violates both the inmate's right of access to the courts and the inmate's First Amendment rights." The court went on to note that "(t)his principle applies even when the action taken in retaliation would be otherwise possible."

On the issue of evidence, the court held "(w)here defendants' motives are seriously at issue, trial by affidavit is particularly inappropriate." Thus the lower court's granting of summary judgment to prison officials was reversed. Smith v. Maschener, 899 F.2d 940 (10 Cir. 1990). Many other good cases are cited in this opinion.

## WE ARE ALL PRISONERS

By Ed Mead

I was reading the "Impact of Washington's Correctional Institutions on Communities," and found it to be a valuable source of correctional statistics, even if somewhat dated (1988). One particular set of figures was both surprising and important. These have to do with the extent to which our prisons are populated with sex offenders.

The Shelton Corrections Center is made up of 21.9% sex offenders; the Reformatory 26.0%; Twin Rivers 63.3%; S.O.C. 20.7%; Mc Neil Island 26.4%; Purdy Women's Prison a mere 4.5%; and an understated 16.3% at the Walls (the W.S.P. data covers only rape I & II and statutory rape, but other sex offenses are not included). The overall average number of sex offenders in Washington's prisons was 26.8% in 1988.

But the actual number of sex offenders is probably much higher than the above figures would indicate. First of all, there has been a virtual hysteria in the news media over sex crimes since 1988, one that has resulted in more vigorous enforcement of crimes in this area, the passage of new sex offender laws by the state legislature, a much tougher position against sex offenders by the parole board, adverse rulings by the courts, and generally much longer terms being given out by the judges to men convicted of sex crimes.

Secondly, the 1988 statistics only show those who were actually convicted of sex crimes. The figures do not reflect those who were actually guilty of some sort of sex offense, but who plea bargained for a lesser charge like burglary or assault. As we all know, a lot of this goes on.

At least a quarter of our state's prison population is made up of sex offenders. Given recent changes in public attitudes and the effects of the plea negotiation system, we can safely bet that the actual figure is somewhere in the neighborhood of between a third and a half of our populations are down on sex related beefs.

What does all of this mean? Speaking for myself, as a man who loves women and children, I feel as if it is time for some of us to start taking some responsibility in this area. We need to know why this is happening at such an alarming rate, and we should also be studying ways to correct the behavior of sex offenders.

I am certainly not suggesting that we adopt the punishment methods of our captors. We all know that punishment merely generates anger that eventually gets taken out on the community. Ideally we would approach sex offenders with understanding and comradeship as a part of our efforts to rectify their behavior. At the same time we would be educating ourselves in the area of sexism. Most prisoners still believe that rape has more to do with sex than it does power, they do not see rape as an assault against women.

Of course we do not live in an ideal environment. Prisoners are not going to try and understand the rapist, let alone work with him toward his rectification. And even if that was done on the inside, social forces on the outside are so sexist that new crops of sex offenders are increasingly produced. We could never keep up with their growing numbers. To make a serious dent in the problem we would need the means of education and information to be in the hands of the working class, yet the revolution in nowhere in sight.

What I'm really suggesting is that prisoners make a conscious effort to stop discriminating against their fellow captives on the basis of their crimes. I would just like you to stop being one of the punishers.

Why? For two reasons. Firstly, since we are not going to do anything very helpful with the sex offender, we can at least get our boot off his neck so he can help himself. It is quite possible that if it were less risky for sex offenders to be more open about their circumstances the more conscious elements of them could start organizing themselves for change. They are the ones who have to change themselves; we can only give them the room to do so. They need to alter their low self-esteem, sexism and the powerlessness that caused them to try and build themselves up by pushing someone else down.

The second and more important reason for not oppressing sex offenders is that we are in need of them. We cannot make any meaningful progress in our struggle to extend democracy if, at the outset, before we even get started, we allow our ignorant prejudices to alienate us from a whopping third of the population. Anything that divides us to that degree is reactionary, be it by race, by sex, by age, or by offense. We must defend their rights as we would our own. Because if it is them today, tomorrow it will be us.

#### FROM THE EDITOR

By Paul Wright

Welcome to issue #3 of PLN. We hope that you will enjoy each issue, as well as find them useful and informative. All articles which are not signed were written by either Ed or myself. We claim no copyright or other duplication restriction on this publication, so feel free to duplicate and share as needed. We would like to hear from you and learn what you think of our efforts. This will help us better meet your needs and to learn what you think is appropriate. So feel free to send us letters, articles, artwork, etc.

At least some copies of issue #1 were banned by the "authorities" running the infamous gulag at Walla Walla. Their fascist mentality believes that by attempting to crush news and the truth they will somehow be able to change reality, or perhaps keep the oppressed from knowing the source of their oppression.

We will see if their efforts are any more successful than the efforts of their spiritual brothers in Peru, El Salvador, or Iran. Litigation on the censorship issue is being drafted and should be filed by the time issue #4 is mailed out to readers. So far we have not been informed of the reasons for the rejections, but that is not unusual. Prison officials at the penitentiary have in the past censored everything from material by the Quakers and the Unitarians to **The Progressive** magazine.

We need stamps, funds and donations to continue to publish this newsletter. If you like what you are reading, don't just tell us about it, send a donation to the return address listed on the outside cover (stamps or financial donations should not be send to Ed or me, as we are prisoners). We also need people in the Seattle area who are interested in helping with the production and mailing of the PLN. Write to Ed for more information.

Please send all artwork, letters (but not stamps or money), articles, etc. to us, the editors, at either of the following addresses:

Paul Wright #903783 Ed Mead #251397  
Box 5000, HC-63 P.O. Box 777  
Clallam Bay, WA 98326 Monroe, WA 98272

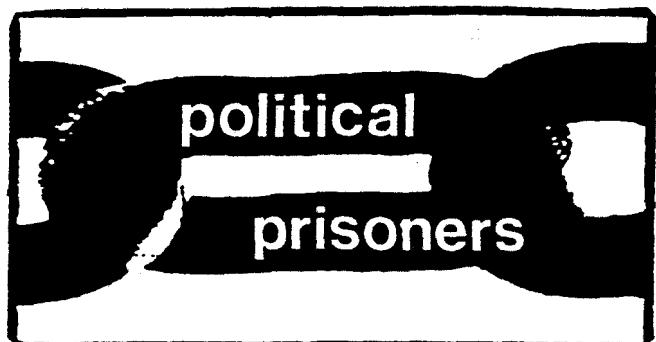
Once again we extend our thanks to the Oxford Anarchist Black Cross for helping to copy and mail PLN in Europe and the Middle East, and also Toronto ABC for doing the same for Canada and Australia.

In the next issue (#4) we will be printing the conclusion of Ed's three-part series on sex offenders. We will see you then.

## WASHINGTON DETAINS MORE KIDS

According to the Bureau of Census' Children in Custody series, Washington state leads the nation in its confinement of juveniles in detention and state institutions. Washington has 1,211 juveniles in custody for every 100,000 population. The second ranked jurisdiction was the District of Columbia, which had 666 kids detained for every 100,000 people. The national average is 245 per 100,000.

## INDONESIA MURDERS LONG TERM POLITICAL PRISONERS



On the 16th of February, 1990 four prisoners: Sater Suryanto, Johannes Surono, Simon Solainman and Norbertus Rohayan, were taken from their cell in Cipinang prison in Jakarta (capital of Indonesia) and taken to an uninhabited island in Jakarta Bay where they were shot dead by a platoon of the Police Mobile Brigade.

previously in October, 1989, two other prisoners, Tohong Harahap and Muchtar Sirait, were secretly executed by the government, they were accused of attempting to revive the banned PKI (Indonesian Communist Party). Their deaths were not confirmed by the government until the February executions took place.

The two prisoners executed in October, 1989 had been convicted and sentenced to death in 1974 for having been PKI members in 1965.

The other four men were all soldiers arrested in 1965 and accused of participating in a coup attempt against then Indonesian ruler, General Sukarno. They were all sentenced to death in either 1969 or 1970. Appeals and petitions for clemency have all been turned down.

The executions should be seen in light of the fact that immediately after the 1965 coup attempt, which was later blamed on the PKI, right wing factions within the

military seized power, led by general Suharto, who is still in power today with heavy US, Australian, and Dutch support, about 1,000,000 real and suspected members of the PKI were murdered with no type of trial or judicial process. The latest executions are seen as an attempt to placate right wing elements within the Indonesian military who are uncomfortable with growing ties with China and the USSR.

The executions brought wide-spread protest and condemnation from Western Europe, especially Holland which has threatened economic sanctions.

The prisoners have no legal assistance and the executions have not been announced beforehand. This results in a great deal of stress and strain on the prisoners and their families, waiting, literally, decades for the execution of sentences imposed over 20 years ago. The prisoners conditions are quite brutal, they are allowed no reading materials, visits, communication with their loved ones, etc.

For more information on the human rights situation in Indonesia and the Pacific region contact: Tapol, 111 Northwood Rd. Thornton Heath, Surrey, CR4 8HW, England.

#### "THE PRISON ISSUE"

Is put out by the folks at new studies on the left, **1484 Wicklow St. Boulder, Co. -80303**. It is a "magazine" 216 pages long. There really isn't a whole lot to say about it, it's great!!!

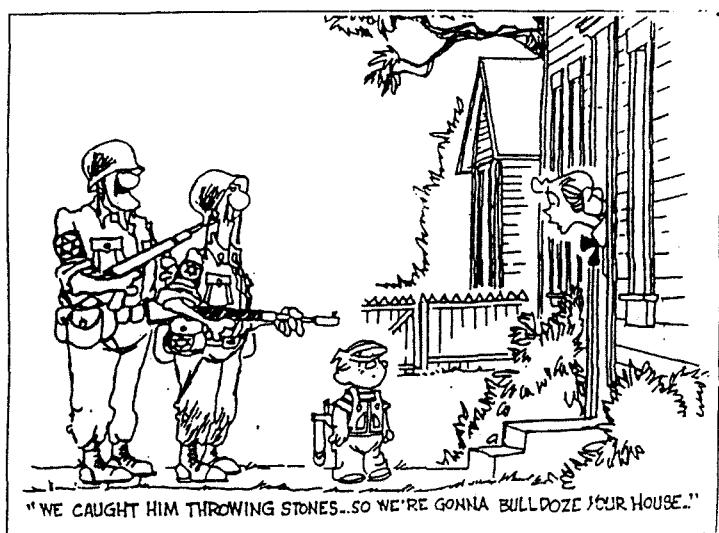
This issue contains a number of thoughtful and provocative essays examining everything about the prison system in this country (as well as an article on the West German gulags), from the racism of the "just us" system, the oppression of women and minorities within the gulags, etc. There is also material on political prisoners by both current and former prisoners. I believe that this issue will be considered as a standard reference in the area of prison struggle and what it means to progressive people for some time to come. Highly recommended. It costs \$10.00 for "free" people, free to prisoners.



#### - CAPTIVE VOICE -

This is the title of a quarterly magazine written entirely by Irish republican prisoners of war being held in Ireland, England, the US and Europe. The "CV" contains poetry, short stories, political analysis and the latest updates on prison related campaigns and issues. It is a platform for the political prisoners to express themselves and comment on items of concern to them as prisoners and as people struggling for freedom. It is available free to prisoners and a US subscription is \$12.00 per year. Contact:

The POW Department  
51/55 Falls Road  
Belfast  
Northern Ireland



## SMALL FRY

By Dan Pens

I'd have to bone up on my state history to say for sure which agency pioneered the strategy, but the Department of Corrections and the State Fisheries Department both have a good thing going. And they know it.

If I had to put money on it, I'd say the Fisheries Department hit on the idea first. You see, it's pretty dang simple: The more hatchlings you process, the more adult salmon return in the coming years. The more adult salmon you get back, the more of their progeny you can expect to process as hatchlings. Which means that you can expect even more adult salmon for the future ... and well, it just goes on.

"More hatcheries! We need more hatcheries!" came the cry from the Fisheries Department. More money! More jobs! More fish to fry! It's good business. Good for the economy they say.

Well, the success of our Fisheries Department Hatchling Management Program is such a good story that word spread far and wide. D.O.C. must have got wind of it and sent a team of experts to investigate. I imagine that's how it might have happened.

"We tag 'em," says the Game Warden, "We give 'em numbers and keep a record of every one of them. Then we let 'em go."

"Let 'em go!?" gasp the D.O.C. experts.

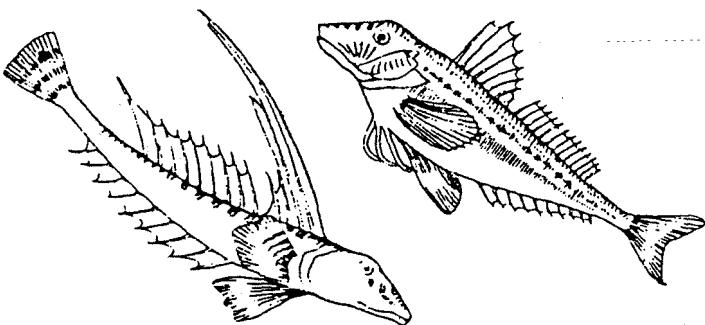
"Yep. We got their numbers. We know they'll be back. Why not let 'em go? Adult fish, that's where the money is."

"Ohhh ... hmmmm ... not a bad idea."

It might have gone something like that. Who knows? How else could you explain Washington State's practice of "processing" (incarcerating) over four times the national average for juvenile offenders? It's the highest rate in the nation.

"We go their numbers: We know they'll be coming back."

More prisons! More money! More jobs! More prisoners to fry! It's good business. Good for the economy they say.



## CAPITAL PUNISHMENT

By Laurance Boulton, Gatesville, TX

The thought of knowing one's death is drawing near, especially your own, is a portrait of terror. Although refined to a system of rules and legally sanctioned methods, executing a human being is nonetheless **murder!** No longer is a man or woman "burnt at the stake" or "drawn and quartered," but in our civilized world we may still be shot by firing squad, hung by the neck, electrocuted, gassed or subjected to the latest modification of lethal injection, as a more humane and expedient form of execution.

What is humane about any execution?

Recently Jessie Tafero was put to death by electrocution in Florida. Due to "flames" rising six inches above his masked face and head, the execution was interrupted to ascertain the reason for the flames. Florida DOC officials stated a "wet sponge" on Tafero's head caught fire!

Regardless of one's crime or offense, to be executed is to be murdered. No amount of sanction or legislation can withstand the scrutiny of the Lord on judgement day. Murder is morally wrong. All life is precious.

Governors, presidents, kings or queens, each become a murderer upon affixing their signature on a death warrant. Then, while cloaked under banner of justice, they excuse and reward themselves.

Ultimately, with each execution carried out, a new set of victims are created: the family and friends of the executed! What can be said to a mother, a wife, a child, if the person executed is later exonerated of the offense for which they were put to death?

## VIETNAM M.I.A.s IN PERSPECTIVE

The MIA (Missing In Action) issue has been exploited by the U.S. government to block normalization of relations with Vietnam. Many prisoners have uncritically swallowed the state's propaganda on this issue. We'd like to put it in a more statistically accurate context:

The French still have 20,000 MIAs from their war in Indochina. The Vietnamese list over 200,000 MIAs. The U.S. still has 80,000 MIAs from WWII and 8,000 from the Korean War. Whereas U.S. MIAs resulting from the Vietnam war is "nearly 2,400." From: *Light At The End Of The Tunnel*, by Terry Anderson, 1988, pages 443 through 462.

Put in context, these numbers are not significant enough to warrant being used as a pretext for failing to establish relations with the government of Vietnam.

## THE FORTRESS ECONOMY: THE ECONOMIC ROLE OF THE U.S. PRISON SYSTEM

The Fortress Economy: The Economic Role of the U.S. Prison System is the title of a brand new 29 page booklet by the American Friends Service Committee (Quakers). It's an excellent book and I highly recommend it. The booklet will complement and enhance The Prison Issue which I review elsewhere in this newsletter. The pamphlet gives a historical overview of the U.S. prison system from its very beginnings. It asks and answers questions such as: who goes to prisons; the use of prisoners as a source of cheap labor; and the trend toward "private prisons." It also addresses the

dilemma of ex-prisoners, as well as much more.

In these days of public hysteria and the continuing calls to build more prisons, this booklet is a sobering assessment of the failure of the American prison system, now celebrating its 200th anniversary.

The small book is available at \$2.00 a copy for "free" people, and it is mailed at no charge to prisoners. For a copy write a note to:

American Friends Service Committee  
1501 Cherry Street  
Philadelphia, PA 19102

If prisoners can afford a small donation of stamps the A.F.S.C. could use them.

Prisoners Legal News  
4557 - 8th NE #3  
Seattle, WA 98105

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# Prisoners' Legal News

*Working to Extend Democracy to All*

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Vol. 1, No. 4.

August 1990

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## HR - 4079 : A NATIONAL CRIME EMERGENCY ?

Just when you thought it couldn't get any worse, it does. Supreme Court Justice William Brennan, Jr., resigned his seat, leaving President Bush to name an even more reactionary successor. Not only will the pro-choice *Roe v. Wade* ruling fall by the wayside, making life for women increasingly difficult, but we behind bars can expect an even faster rollback of gains won by prisoners as a result of their struggles during the late '60s and early '70s. ....

The growing reactionary trend is not limited to the judicial arena, either. On the legislative front we are being confronted with a pair of draconian crime bills that make past legislative outrages look like liberal blessings.

Both the U.S. House and Senate have major anti-crime bills pending. In mid-July the Senate passed and sent on to the House a bill authorizing capital punishment for 32 different offenses—from treason to killing a nuclear regulatory inspector (watch out, all you would be killers of nuclear regulatory inspectors). The Senate would also limit the appeals of death-row prisoners, making for quicker state-sanctioned murders; expand the police powers of the FBI; authorize massive funding for the building of new prisons, etc.

While the Senate's anti-crime bill has received a lot of media attention, the House crime package has largely been ignored. We will now take a brief peek at a few of its features. In doing so, remember this is only a bill, not the law--yet.

The House bill (HR 4079) starts out by declaring a national crime emergency similar to a war-time mobilization. Section 101(a) & (b) states: "A federal court shall not hold prison or jail conditions unconstitutional under the eighth amendment," and that such court "shall not place an inmate ceiling on any Federal, State, or local detention facility...."

HR 4079 would authorize the use of military installations to house the increasing numbers of state and federal prisoners, including the use of tents. Cost cutting in building new prisons is mandated, "especially expenditures for air conditioning, recreational activities, color televisions, social services, and similar activities." Punishments are also increased, and good time credits and parole consideration are eliminated for certain categories of crimes.

For all you lovers of capitalism there is a special treat: "The Attorney General may contract with private persons to construct, own and operate Federal prison facilities; or ... operate Federal prison facilities owned by the United States." He is also authorized to "enter into contracts with private businesses for the use of inmate skills [read slave labor] that may be of commercial use to such businesses." Section 133(a)

State prisoners filing habeas corpus petitions in federal courts will have a harder time pressing their constitutional claims. There would be a one-year period of limitation from the exhaustion of state remedies in which to apply for habeas relief. Once the writ is filed the evidentiary burdens are made more difficult to the prisoner. And if the writ is denied the District Court can no longer issue a certificate of probable cause to appeal. It must be obtained from a circuit judge.

Another provision of the bill would give any state seeking Bureau of Justice Assistance grants a greater priority if the requesting state has passed a law revoking the drivers license, for at least one year, of any person convicted of a state or federal law consisting of the possession of illegal drugs.

There was a House committee meeting on HR 4079 on May 24th. We will try to keep you informed of unfolding developments in this area. A protest is needed.

## EDITORIAL COMMENTS

The sharp-eyed reader will have noticed our new return address for the newsletter. This is the 3rd new address in 4 issues, and it isn't even in Washington state. Paul's dad in Florida has agreed to be our outside publisher until such time as we are able to build a core of people willing to do the job here in the Northwest. Mail all donations of stamps and money to:

Prisoners Legal News

P.O. Box 1684

Lake Worth, FL 33460

Send articles, poetry, graphics, and your letters (but not money) to Paul or me at: Paul Wright #930783 Edward Mead #251397 Box 5000, HC-63 P.O. Box 777 Clallam Bay, WA 98326 Monroe, WA 98272

Speaking of money, it costs 3¢ a page to reproduce the ten paged copy of the newsletter you are reading (30¢/issue), and it costs an additional 25¢ to mail it to each reader. That's a total of 55¢ of our money to get this paper to each person. Plus we put a lot of work into writing and typing the articles, pasting in graphics, etc. Then we have outside volunteers who reproduce and mail the paper, and to maintain our mailing list.

So far (the first 2 issues) our contributions have covered less than a quarter of the cost of production. If you have not donated something to us, we ask you to do so now. Even a few stamps would be helpful.

In the next issue we will have the legislative aspect of our proposed battle plan against the parole board outlined. It will be a citizens initiative to place a law on the ballot that will abolish the parole board and turn its functions over to the courts. This plan will need widespread discussion both inside and out, as it will involve our family members spending a year collecting the signatures of voters from around the state.

We also want to continue exploring things we can do now, such as working to repeal RCW 9.95.100 (the statute saying prisoners cannot be released unless certified "rehabilitated" by the Parole Board).

Finally, we get a lot of letters from prisoners asking for help with their individual legal cases. We support prisoners' rights litigation only; our objective is to change the system.

## STORM WARNING

By Paul Wright

This is a bi-monthly magazine put out by the Vietnam Veterans Against the War (Anti-Imperialist). There is a disproportionate number of veterans in the gulags in this country, as most prisoners have notice by now. Storm Warning (SW) is free to prisoners; the editors did time in Vietnam for mutiny. Each issue has a lot of articles on the failed U.S. invasion of Vietnam, as well as current stuff such as the role of sexism and the oppression of women in a militarized society such as ours. The last issue has a very good article about women in combat and the society that puts them there in the first place.

For those of us that were in the military you'll know exactly where they're coming from; if you haven't, you'll get an idea of what it's like. The VVAG(AI) is also in the forefront of the struggle against repressive laws (when the anti-flag burning law came into effect they set fire to 1,000 flags in front of the Seattle post office, their "thousand points of light"), against sexism and against U.S. aggression in Central America and elsewhere. They definitely aren't going to let the lessons of Vietnam be forgotten.

Some of you may be asking, "What does the military have to do with prisons?" Aside from the large number of veterans in prison, the military fulfills much the same role prisons do; they are a means of societal control by which those who have the wealth and political power in the country run things. The regimentation, repression and limitation of "rights" applies as equally to soldiers as to prisoners. Like prisoners, those most likely to fight and die in acts of aggression against smaller nations like Lebanon, Grenada, and Panama are the poor, the minorities, the disenfranchised, the ones who don't have rich family members who can get them college deferments because of their connections (like Vice President Quayle). So check it out. Write:

Storm Warning

4710 University Way NE #1612

Seattle, Washington 98105



## REPEAL "POINT 100" STATUTE

By Dan Pens

All pre-SRA prisoners must jump through an invisible hoop before they can be paroled. Sound like something out of Alice In Wonder Land? Well, it's the law.

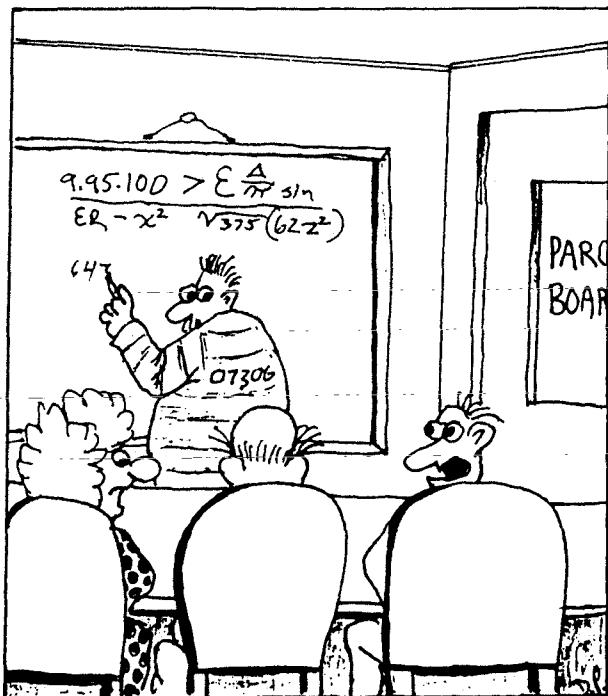
RCW 9.95.100 ("point 100") is a 1939 statute that has remained unchanged since 1955. Kit Bail is quoted in a recent Shelton-Mason County Journal article as saying, "It's the statute that says 'you may not release -- not you shouldn't, but **may not** release -- somebody short of their maximum term unless you can make a finding that they're reasonably rehabilitated and safe to be at large'." She goes on to point out the statute as being, "pretty much the crux of the issue when you're talking about [the] nearly 2,500 pre-SRA inmates still in the system."

Why this outmoded statute remains on the books is a mystery. It imposes a duty on the Board to determine the "rehabilitation" and likelihood to reoffend of prisoners eligible for parole. This is plainly asking the under qualified to do the utterly impossible.

The statute also imposes a liability on the state and the Board if they should somehow fail to do the impossible. If an "un-rehabilitated" prisoner is released who then commits further crimes, the Board can be held responsible in subsequent civil actions. The state **can't** be held liable for the actions of SRA prisoners who are released -- they're in prison for punishment. Nobody determines if or when they've been rehabilitated.

The legislature is responsible for this monstrosity remaining on the books. As -- such, they are sending conflicting directives to the Board. On the one hand they require the Board to "make decisions reasonably consistent with the **purposes**" of the SRA (a strictly punishment based system), and on the other hand the Board is directed to apply the "rehabilitation" standard to prisoners eligible for parole.

Nowhere does the law **define** rehabilitation, nor can it be scientifically measured. Keeping pre-SRA inmates imprisoned because they can't demonstrate their rehabilitation is not only cruel, it's lunacy! And requiring the Board to make a determination of an inmate's likelihood to reoffend is equally ludicrous.



He claims he discovered a proof that he's rehabilitated.

Clearly, as Kit Bail points out, the "crux" of the issue is the statute itself. RCW 9.95.100 needs to be repealed or at least substantially modified by the legislature. Pre-SRA prisoners who are eligible for parole should be treated in a manner reasonably consistent with the SRA's purposes and practices, as is required by RCW 9.95.009(2).

The next move is up to us (the imprisoned and their loved ones on the outside). The legislature **will not** act unless it is spurred by the public. While there is much to do, including the building of an outside support network, there are some basic steps that can be taken now. Send a letter or copies of this article to your state representative, or to one of the senators listed below:

Washington State Senate  
Committee on Law & Justice  
Attn: [See names below]  
435 John A. Cherberg Bldg.  
Olympia, WA 98504

Committee Chair: Leo Thorsness  
Members: Bob McCaslin  
Michael Patrick  
Phil Talmadge  
Janice Niemi

## OF BANNINGS AND UNBANNINGS: WHY DO THEY DO IT?

By Ed Mead

As many of you know issue #2 of the PLN was banned from both the Penitentiary and the Reformatory. We immediately drafted a comprehensive civil rights complaint challenging the censorship, but just days before the suit was to be filed both bannings were reversed. The warden at the Penitentiary said our newsletter "fails to rise to a level of having the potential to be intellectually disruptive to our population." He went on to say that most of the writing is done "by radical, but harmless, malcontents that receive little support or sympathy from our general population. The articles promote somewhat archaic concepts that fail to generate patronage from our very young population." He said that each future issue would be carefully examined by officials, presumably to insure that we stay "harmless".

Our law suit raised a number of issues, one of which that prisonrats suppressed our paper not because of any legitimate security concerns, but rather because of a Nazi-like drive to prevent us from communicating an alternative to corrections to prisoners, their families, and, ultimately, the community. An important aspect of this alternative, we argued, is the understanding that it serves neither the needs of the individual or the public good to maintain a segment of society in a state of literal slavery, completely disfranchised, and reduced to a condition of child-like dependency and irresponsibility. The credo of the PLN, we said, is "Working To Extend Democracy To All," and it is the expression of this idea of democracy, and the notion that prisoners should be conscious of their legal rights, that our captors have sought to suppress. They want prisoners to continue stumbling around in a blinding fog of political and legal ignorance.

No wonder, too. Government statistics reflect a national recidivism rate of 62.5 percent (it is much higher than that for younger offenders). According to Phil Talmadge, member of the Senate's Sub-committee on Corrections, Washington's prison officials spend \$40,000.00 a year per prisoner. Can you imagine a private industry "making it" with a 63 percent fail-



ure or product rejection rate for each of the very expensive parts it processed? Of course not. Why they could send us each to Harvard and make nuclear physicists of us for considerably less money. Instead they degrade and dehumanize us and our loved ones, and in the process create a rage that eventually gets taken out on the community.

The state's entire apparatus of repression, the police, courts, prison system, etc. tell the public that their's is the only correct way to solve the crime problem. And to the extent that it isn't working, they glibly argue, it is merely a matter of applying increasing amounts of the same old medicine--more police, more judges, more prisons, more punishment, etc. The public has bought into this big lie because they see no alternative. They have no vested interest in the concept of punishment. They don't care whether you are sent to Harvard or to jail. They simply want something that works. They don't want their daughters raped or their VCRs stolen.

The interests of prisoners and those of poor and working class communities are one and the same. Our common contradiction is not with each other, but with the state and its lap-dog media. We have some alternatives the public deserves to hear. Yet it will take much building with our loved ones on the outside before it will be possible to effectively communicate these alternatives. We will also need to keep the pro-slavery, anti-democratic DOC functionaries from censoring us. And, finally, we will need the talents of those young offenders warden Blodgett says we fail to reach.

# INTERNATIONAL PRISONER NEWS

By Paul Wright

## PRISONERS IN STRUGGLE

We have recently received information about the following prisoners in West Germany the US and England who are being persecuted because of their political beliefs. To help, I have a packet of pre-typed letters addressed to the "authorities" responsible for the treatment of each of the below prisoners. If you want a set, send Paul an SASE and he will send it to you. If you are in Europe or want more info on the prisoners themselves, write:

Comphobal Cumhacht  
C/O Gefangen Initiative  
Lessing Str. 18  
D-4600 Dortmund 1  
West Germany

Heres a quick run down on each prisoner: Gerry Hanratty is an Irish Republican POW in West Germany awaiting trial in Kaisheim prison on charges of illegal weapons possession. Of greater concern is the fact that the British government has applied for Gerry's extradition to Northern Ireland. While imprisoned in the infamous H-Blocks prison in 1981 Gerry was brutally beaten by British soldiers and prison guards, he recently received an award of 1,500 pounds from the European Court of Human Rights for his injuries. If returned to Northern Ireland, Gerry will not be allowed a jury trial and faces the real likelihood of further torture and beatings. It is asked that complaints be sent to the Bundesminister against Gerry's extradition.

Terrence McGeough is an Irish Republican POW awaiting trial in Frankenthal prison in West Germany on charges of weapons possession and attempting the bombing of a British Army barracks in Germany. The charges against Terry are based on refugee papers dated 1983/84 from the Swedish government.. Terry emphasizes he has no idea what the papers contain but using papers from 1983 to prove charges that allegedly occurred in 1987 is an outrage. More troubling, is the fact that the Swedish government has no problem violating the privacy of refugees seeking asylum. It is asked that letters be sent to the Swedish Minister of State and ask

that he withdraw the refugee papers from the criminal case against Terry.

Alexander Gronbach is a West German prisoner serving an 8 yr. sentence for weapons possession. He is a long time anti-nuclear activist, supporter of the struggle for freedom by the Irish people and also for better prison conditions. He has served 6 years of his sentence already. Until May, 1988 he was held in the infamous "dead wing" of Stammheim prison when he fell ill with pneumonia. At a prison hospital he was still held in solitary confinement. Later sent to Heilbronn prison, he was placed in a bunker in the cellar in solitary even though he still suffered from pleursy and a bleeding cough. Alex is still in solitary. It is asked that people write the German minister of Justice and ask that Alex be transferred to a prison closer to his family and be placed in the general prison population.

Martina Anderson and Ella O'Dwyer are imprisoned in Durham prison in England. They are in "H-Wing", a sensory deprivation control unit where the women are locked in their cells continuously, denied human contact, recreation, education, etc. They are also subjected to harrassing strip searches, etc. An investigation by a government commission confirmed that these conditions were causing depression, stress, etc, yet nothing was done to end or cease the practices. It is asked that people write the warden and ask that the sensory deprivation cease.

The last case is that of Abu Mumia Jamal, on death row in Huntingdon, Pennsylvania, accused of killing a cop. He is a long time journalist, political activist and former Black Panther Party member. His trial had numerous irregularities where his past political associations were used in inflaming the jury to convict and sentence him to death. The state Supreme Court has ignored its own precedent in refusing to overturn his conviction. It is asked that people write the governor and ask he not sign Mumias death warrant and abolish the death penalty in that state.

For all of the above a pre-printed form is available. All you have to do is sign, date and mail it. International support is often critical in cases where prisoncrats are restrained by no law, but sometimes public opinion can help better their conditions.

So WRITE NOW!

## STRUGGLE IN OHIO

By Paul Wright

There have been 5 prisoners and one staff member (schoolteacher) killed at the Southern Ohio Correctional Facility at Lucasville, Ohio since 1990 rolled in. Governor Celeste ordered an investigation into all aspects of SOCF operations by the State Highway Patrol. The mainstream media only reported gang and drug activity as being targeted. This investigation was prompted by a year long investigation by the state legislatures prison watchdog committee, the Correctional Institution Inspection Committee as well as the nationwide hungerstrike protesting conditions at SOCF. When the schoolteacher, Ms. Beverly Taylor was killed at the prison on june 7, 1990, guards and civilians picketed the prison calling for more staffing and better security. House Speaker Verne Rifle responded by appointing an 11 member select House Committee to investigate allegations of overcrowding, mismanagement and understaffing at SOCF. The House Committee investigation marks the third probe of Beverly Taylor's death, joining the SHP and CIIC.

In response to letters from all over the world, demanding that injunctive relief be ordered halting a lot of the conditions complained of at SOCF, United States District Judge S. Arthur Speigel asked the US attorney to have the Civil Rights Division of the Justice Department investigate allegations of humanrights violations at SOCF. A hearing seeking a preliminary injunction enjoining SOCF staff from using the high pressure fire hose on prisoners confined in the J-1 Super-Max control unit was held in Judge Speigels courtroom on June 21st and 22nd, 1990. Our attorney, Al Gerhardstein put Peter Davis, Executive Director of the CIIC on the stand, who gave testimony as to the widespread increase of prisoner complaints coming out of SOCF concerning the use of fire hoses and conditions. Then Ken Schoen, our expert witness testified that SOCF is the only prison to use fire hoses in the United States and that it's use constituted cruel and unusual punishment. A decision will be forthcoming, but there is no doubt that we will get the injunction..

We are slowly making progress, chipping away at the prisonrats foundation. We

must continue to apply pressure through the courts, by writing politicians and by non-violent resistance. We must co-ordinate all efforts as networking our tactics and actions is a necessity in order to gain the most ground. Any fellow or sister prisoners who would care to share their experiences and tactics, we welcome all advice. Write to:

John Perotti # 167712  
P.O. BOX 56  
Lebanon, OH  
45036 USA

## GRAPO PRISONER DIES

In Issue # 1 of PLN we reported the hungerstrike by GRAPO (Anti-Fascist Resistance Groups, First of October) in Spain who seek to end the governments policy of placing them in control units, dispersing them in different prisons, beating them, censoring their mail, prohibiting visits, etc.

The strike started on Nov.30, 1990. As it went on the Spanish gov. sought to prolong it by forcefeeding the prisoners against their will. This was done until the Dr. charged with forcefeeding the prisoners was assassinated on March 27, 1990. With the forcefeeding stopped the prisoners deteriorated rapidly.

On May 25, 1990, Jose Manuel Sevillano Martin died of a heart attack after going 167 days without food. As of early July, several other GRAPO prisoners are in critical condition, many have already suffered permanent damage to their health as a result of the strike.

In a recent letter received by PLN, from a GRAPO prisoner, he states that it appears the Spanish government may be ready to negotiate over the prison conditions the GRAPO prisoners are subjected to. There are 42 prisoners on strike at this time.

There have been demonstrations in support of the prisoners in: Vancouver BC, Toronto, New York, Washington D.C., Hamburg and other European cities. As well as numerous actions in Spain by supporters and family members. We urge you to write the below address to demand the brutal treatment halt.

Antonio Asuncion, Direccion General de  
Instituciones Penitenciarias  
Calle San Bernardo 47  
28015 Madrid. SPAIN

## WHERE NOW FOR THE SEX OFFENDER?

This is the third and final part of our series on sex offenders. The first two installments ("Them Today, Us Tomorrow" and "We Are All Prisoners") were critical of non-sex offenders for discriminating against people on the basis of offense. In today's article we will put the shoe on the other foot. We will criticize the manner in which many sex offenders elect to do their time, and we will offer some comradely suggestions for improvement. (Also read "In Defense Of The Struggle Against Sexism" on next page.)

It has been this writer's experience that rapists and others convicted of sex crimes against women and children generally tend to adopt a two pronged strategy for doing their time and getting out of prison. Firstly, they try to do their time through the process of denial. They deny they are sex offenders or, when that isn't possible, they tell people it was all just a simple misunderstanding. "She was very mature and sexually aggressive," confided one sex offender about his seven year old victim.

The second prong of that strategy, getting out of prison, almost always involves massive participation in institutional programming activities, and in maintaining a clear conduct record while confined. It was through these tried and true methods that the sex offender has traditionally sought to demonstrate his rehabilitation to his captors. This approach to currying the administration's favor (often called ass kissing) is preferred by sex offenders inasmuch as they frequently identify more closely with prison employees than they do their fellow prisoners. And this misidentification is in turn largely due to the harassment and other forms of discrimination inflicted upon them by so called regular prisoners.

Times have suddenly changed. The Board of Parole no longer cares about a sex offender's good record of institutional adjustment or the outstanding extent of his programming. Today's tough-on-sex-offenders Board says good conduct is meaningless as a measure of a sex offender's rehabilitation, as he has not been around women or children while imprisoned. At the same time the state legislature is continually enacting new laws and harsher penalties for sex offenders, and all the while the bourgeois media steadily campaigns to boost the level of public hysteria around

this issue.

What is the sex offender to do now? Ass sucking is no longer a viable option (even though many sex offenders continue to do it out of habit). His fellow prisoners still reject him. And the general public now believes that no punishment is too great for him. All indications are that things are going to get a lot worse before they get any better. What can he do?

The sex offender has only one alternative available to him--he must fight back. Only by organizing in his own defense, and in the defense of his victims (the interests of the two are ultimately the same), can he and his fellow sex offenders win the respect of their peers, gain a sense of self-respect, start the process of combatting the disinformation campaign (bourgeois propaganda), and otherwise struggle for progressive personal and social change. In short, sex offenders statewide must organize for self-defense. The alternative could get very ugly....

Will the sex offender organize? Probably not. And if they do the effort will most likely be twisted into some sort of administratively approved ass sucking scheme. Nonetheless, all prisoners should give these men (and the few women) the space, freedom and support necessary to accomplish their political mission; the only mission that can result in their real rehabilitation.

By Ed Mead



## IN DEFENSE OF THE STRUGGLE AGAINST SEXISM

With this issue of the PLN I conclude my three part series on sex offenders. And while I am writing this before the first installment of the series has been mailed out to readers, I am sufficiently confident of the adverse response by prisoners and outside folks that I can write my defense now. The charge will be that I am "soft" on rape because I don't think prisoners should subject other prisoners to additional punishments due to the nature of their crimes (in fact I don't believe in the usefulness of punishment at all), because I believe it ultimately hurts the interests of prisoners in general to do so, and because I say that if change is to come in this area it must be organized by sex offenders themselves.

Those who have known me for a long time remember that I organized Men Against Sexism inside the walls at Walla Walla back in 1977. We accomplished many things, one of which was the virtual elimination of the widespread practice of prisoner-on-prisoner rape and the buying and selling of prisoners by each other. We fought against rape with our lives, and our struggle was often against those who talked the worst about sex offenders. Indeed, it was often the nature of a man's offense that gave these prisoner-parasites license to prey on the weak and vulnerable.

My "line" on rape has not changed in any significant respect since those days. It is my position that it is more important to get to the actual root of the problem than it is to scapegoat the few sex offenders who get caught and go to prison. Moreover, the problem is deeper than just rape and child molesting. It goes on to include the man who "punishes" sex offenders while on the inside, yet when free he beats his wife and children and routinely subjects women in general to various forms of sexual harassment. Sex offenders are not the problem. The problem is one of sexism and violence against women and children. Sex offenders are but symptoms of that problem.

What this series has been trying to communicate is that it is too simplistic to place all of the blame on the sex offender. Sure, each individual is responsible for his or her crime. But let us not forget that the murdering and battering and rape and sexual harassment of women

are natural consequences of a social order in which domination and subordination are eroticized. The surprising thing is that some men do not rape, batter, or sexually harass women.

Just stop and listen to the messages you get in your conversations with other men about women, or from media outlets such as the movies or television. They teach you macho sex roles (what it is to "be a man"), that men are naturally entitled to women's sexual services, and that women actually enjoy being subservient to and abused by men.

The other day I was reading the appeal of an Alaskan rape conviction in a law book. "Shut up bitch--we know what you want, give it to us." Said a product of our masculine culture, as he and his friends beat and gang raped a screaming high school girl who had been walking home from work when attacked. The quote represents the latent attitude of many men. The point we want to make is that rape and similar forms of violence against women (and children) are not exceptional, not the work of a few deviant men, but are done by men who are normal in our society.

All forms of violence against women and girls are interrelated, yet the legal system, legislators, the news media, and even prisoners and their supporters treats such issues as rape, battering, and harassment separately. I have been trying to expose this interconnectedness, along with its roots in the sexist culture of international capitalism. I have argued that it is wrong to scapegoat individual sex offenders for this situation, and advocated support for any efforts they may make to organize themselves. I think these things are good and progressive.

As always, if you have a disagreement feel free to write it down and send it to me. On the other hand, if you agree with most of the positions taken in this series, then your day-to-day practice should reflect your agreement. Say something when any form of discrimination takes place in your presence, be it racial, sexual or offense based. Take a stand.

"Prison is not a good place for any human being. It is a cruel thing to imprison people for anything."

Nelson Mandela, 1990

## LETTERS FROM READERS

### From Germany

Thanks a lot for the Prisoners Legal News. I was impressed. From my [own experience in] making flyers I can imagine how much work you put into these important pages, even if you collect articles. "The Terror" by D.P. fit exactly in a discussion we had in Kassel. Some members of our "Anti-Repression Plenum" didn't want to have contact with prisoners in Kassel prison. They say, e.g., "I just can't. I know the Fiauenhaus (women refuge) murderer is in there, many more of them are convicted of rape--I can't"

I myself think it is rather superficial to say s.b. is among a group and therefore I don't want to have anything to do with all of them and s.b. did something (maybe) and I push him/her away for the rest of his/her life. What D.P. writes was very important for me/us.

Cornel

### Even Christians Can Read It

Got a copy of PLN [#2] and I liked it twice as much as the first one. I was able to send a copy to my ex-wife and ex-kids at my ex-home because you left out the "F" word. The fact that you have included some Pastoral comment has made it more palatable to my conservative, right-wing fundamentalist wanna be Christian brothers. They won't be able to call it the Berkeley Barb any more!

Thanks for the newsletter. Please keep up the good work.

D.H., WCC

### Support Other Struggles

PLN is very good. Better. As I said fruitlessly with The Abolitionist, if we want resources to support prisoners, prisoners need to support them at least the little they can.

P.S., WCC

### Toll Free Olympia Number

You should remind people through the newsletter that 1-800-321-2808 number to Olympia will get them in touch with the Department of Corrections, Indeterminate Sentence Review Board, Sentencing Guidelines Commission, or anyone else they want to talk to in Olympia for free from anywhere in the state. It can save a lot of money in the long run.

C.R., Kent

### No Flexibility On Sex Offenders

I would not back any rapos I don't care what is said about their beefs. Foremost along with their beefs is they are rats, every one of them that has ever gotten jammed told, or they will set another up. I got this from experience of seeing them, and from someone who sees their files, and they tell, 99% of them will tell.

I can't stand their beefs, and I won't speak to them unless I just can't get around it, being they are working in a position where I have to deal with them. Other than that they can stay away from me at all times.

I know anything can be justified by saying we are doing it in the name of struggle, but not all things with me. [The PLN] should not ask others to work with them or write a position paper saying you are willing to work with all the slime of the earth, because we are really outnumbered by them or because their people seem to stick with them, eventually they [outside people] do leave them because they [sex offenders] abuse all about them.

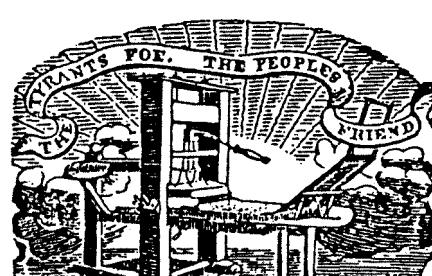
D.A., McNeil Island

### What Can We Do?

I know we need to challenge the "rehabilitation" issue, but were do we begin? How do we challenge it? The courts aren't gonna help us a lick. That leaves us with the legislature. What can the average convict do to sway legislation?

You speak of folks on the streets. I've been locked up since I was 16 years old. I have nobody on the streets. My parents are totally ignorant of politics and I'm so lacking in knowledge I can't direct them. I feel I got to do something so I lash out by doing something I'm capable of doing. I'm going to document examples of how the Board messes people over.

M.H., Walla Walla



# PRISON MA. JESS by H.H.Thompson



P.L.N.  
P.O. Box 1684  
Lake Worth, FL 33460

FIRST CLASS POSTAGE

TO: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# Prisoners' Legal News

*Working to Extend Democracy to All*

Vol. 1, No. 5.

September 1990

## THE INITIATIVE PROCESS, CAN PRISONERS USE IT?

In its 1988 Report To The Legislature, the Washington State Parole Board admitted that it imposed exceptional sentences in 53% of the cases it reviewed. These exceptional terms were all above the applicable guideline range. When a sentence was within the range it was always at its uppermost limits.

The courts, on the otherhand, during the same period imposed exceptional terms in only 3.6% of the cases, and 56% of those exceptional sentences were **below** the guideline range.

A small but growing number of prisoners and family members want to turn the functions of the Board over to the courts, and to accomplish this it is being suggested that prisoners try to change the law through use of the state's initiative process.

Since 1912 Washington citizens have had the right to make their own laws. One of the processes for doing this is called the initiative. It is called that because the electorate can "initiate" legislation by having a proposition (proposed new law) placed directly on the ballot. While the process gives the electorate the right to legislate, it is not an easy right to exercise.

Any voter, acting individually or on behalf of an organization, may propose a new law or amend or repeal an existing law. The number of verified signatures required for an initiative is 8% of the number of votes cast for the office of governor in the last gubernatorial election (150,000 certified signatures) or 4% for a referendum (75,000 signatures). A cushion of an additional 20% above those numbers is a good idea. (A referendum goes to the legislature, not the voters, and requires only half as many signatures.)

What could be done to get these signa-

tures? There are nearly 8,000 adult prisoners in Washington. If 2,500 prisoners had just one family member or friend on the outside collect 60 (or 66 with cushion) valid signatures, it could be done. Or if 1,450 supporters gathered 120 (132 with cushion) signatures each we could pull it off.

Some prisoners could get a dozen outside workers, others of us none. If the strength did not exist for an initiative, then thought might be given to settling for a referendum.

Can we pull ourselves together enough to mobilize such a force of volunteers? That is what prisoners and their loved ones should start talking about. We do have allies, both real and potential. And we have no organized "friends of the parole board" to oppose us. Everyone dislikes the Board, both on the right and on the left. Moreover, the proposal to turn the functions of the Board over to the courts was one of the alternatives suggested to the legislature by the Sentencing Guideline Commission. It is not a "radical" idea. And prisoners have until late 1992 to get the job done, meaning we have time to organize.

Objective conditions are ripe. But is our subjective will adequate to the task? Can enough prisoners overcome their demoralization to the extent necessary to take such active responsibility for their collective interests? These questions have to be answered in the affirmative before very many of us run out on the end of a limb. And they will have to be answered in practice, not words.

We will have to reach many more prisoners with this newsletter, and a starting core of family members is required. Our money and our people is the yardstick by which the collective will to work for democracy is to be measured. Discuss this with your loved ones.

## PRO-LIFERS FOR DEATH

By Paul A. Wright

The TV news lately has been full of governors, legislators, elected officials and citizens who proclaim themselves to be "pro-life" and thus, anti-abortion. The last year has seen attempts by Gov. Martinez in Florida to make abortion impossible to obtain for young and poor women. The Louisiana legislature sought to outlaw all abortions. All the while, claiming they seek to protect human, that of the unborn fetus.

That concern for human life stops as soon as the fetus is born. Both states lead the nation in poor health care for infants, malnutrition and poverty. Florida leads the nation with 322 prisoners on death row and has murdered 22 since 1976, Louisiana has 33 men on death row and has murdered 19. Fetal "life" is sacred but adults are fair game, both states also execute minors and the mentally retarded. The Southern US routinely enacts the most restrictive laws on abortion. Yet the "Death Belt" (Texas, Georgia, Florida, Louisiana, Mississippi and Alabama) accounts for nearly half of US death row prisoners and 102 of 128 executions since 1976.

Gov. Martinez who expresses a "concern for human life" in opposing abortion, has signed dozens of death warrants on prisoners. Statistics repeatedly show the death penalty does not deter crime. This is hardly a surprise, how many people in prison set out to commit a crime knowing they will be caught? So why have it at all?

The death penalty is the ultimate sanction of a system based on exploitation oppression. Almost without exception, it falls on the poor, minorities, mentally ill and most disadvantaged sectors of society. Has anyone heard of a rich man on death row?

Why do the same men who cheer and support the death penalty oppose abortion? Abortion is a health/medical decision to be made by women, it is a basic question of the most fundamental control over one's body. Men would never stand for the idea of the government telling them what medical treatment they can and cannot receive, why should women? Who should control a woman's body? The woman or the state? That is the issue.

Like the death penalty, outlawing abortion falls most heavily on the poor. Wealthy women will always find private doctors to perform safe abortions or be able to travel to states with legal (read safe) abortions. It will be the young, the poor, and minorities who will be victimized by illegal abortions. These are the same people least able to support or care for unwanted children, the same children most likely to grow up ill and uneducated due to the low level of social spending in the US, thus becoming prime candidates for the death penalty.

Whenever you see these sanctimonious hypocrites crying alligator tears about legal abortion, find out where they stand on the death penalty. Is all human life valued or after they're born are they on their own? Or is it just an excuse to continue to dominate and subjugate women by forcing them to have unwanted children?

## SEXUAL HARASSMENT SUIT SETTLED

The Texas Department of Corrections (TDC) paid secretary Charlene Atchinson \$85,000 to settle a sexual harassment suit filed against Warden Jack Garner and Regional Director Marshal Herklotz of the Palestine Unit in East Texas.

In the suit, Ms. Atchinson alleged warden Garner unzipped his pants in front of her, made suggestive remarks and favored women who acquiesced to his behavior. Mr. Herklotz was accused of forcibly kissing her, pulling her onto his lap and making suggestive phone calls. Both men and the TDC deny any misconduct occurred.

The TDC fought for 4 months to keep the suit and its settlement secret. The "Dallas Morning News" challenged the secrecy of the settlement and won by arguing that expenditure of public funds by a state agency is expressly public under Texas state law.

After the lawsuit was filed, dozens of sexual harassment complaints were filed by female TDC employees.

## Where's The Law?

For the past six weeks we have been searching the state and federal advance sheets in search of case law for you. But this has been a very slow summer for legal news. Hopefully we will up to our usual standards by the next issue.

## LETTERS FROM READERS

Letters from readers are encouraged. Words in brackets [like this] reflect material added by the editors in order to clarify a subject. Letters are edited for length. Names of writers will not be published unless specific authorization is given. We not only welcome the input of every reader, we want this section to become a forum in which prisoners and family members can criticize, express ideas, and share information. Here are some letters recently sent to newsletter workers:

-00-

### Better Than Convictions?

Read the 2nd and 3rd PLN. I like it and will help support it whole heartedly. You will do well with this paper. I like it more than I do Convictions magazine. I am going to throw all my support I have been giving them over to the PLN.

I wish to complement you on getting us a paper that concerns all prisoners and not just a few.

B.B., Clallam Bay

-00-

### She's Able To Use Our News

Thanks for including the news about Monroe losing its impact money in the newsletter. I shared that information with the prison [construction] opponents in Grandview this week. I was told that although most people in Grandview don't want the prison, the city council members support it because they think it will be good for their own businesses. The local people ought to boycott them. Prosser and Sunnyside are only 8 miles [on] either side of Grandview and the people could do their business elsewhere. Some of the opponents include teachers and school board members, who say that if the prison comes they'd have to build 3 more schools to accommodate the influx of kids, and they don't have the money. That's one reason the news about Monroe losing its impact money was so useful. I hope the folks up there can put the info to good use. They are afraid the state is going to select Grandview despite their objections, and they don't think they are fairly represented on the prison siting task force.

M.H., Richland

**[Editor's Note:** According to a story in the June 1, 1990, Seattle PI, page C1, the new prison at Clallam Bay has not been that much of a blessing. The transiency due to high guard turnover had adverse effects on the schools, housing, and the sense of community.

Moreover, the story had this to say about the impact of the new prison:

"Crime also increased in Clallam Bay faster than elsewhere in the county in the three years after the prison began full operation.

"From 1986 through 1988, calls for service to the Clallam County Sheriff's Department from the town increased by 58 percent. Bad checks were up 220 percent, simple assault increased by 79 percent and domestic violence increased by 150 percent.

"In addition, there have been five escapes from the prison..., one [of which] prompted a house-to-house search that disturbed residents...."

The Clallam Bay crime problem is a factor the folks in Grandview might well consider.]

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### Forced Treatment For Sex Offenders?

Regarding the article "We Are All Prisoners" in PLN #3, I would like to point out that the majority of sexual deviates in prison refuse to participate in any treatment programs. They cannot be forced to participate either. Then people like me, who have been convicted of murder, who are told that unless they attend drug and alcohol treatment (behavior modification) they won't be paroled!

Those of us with drug and alcohol related crimes are forced by the state to go to these treatment programs many years later. I've been down for 14 years and the only alcohol I've even smelled was on a cop's breath!

The courts ruled that a man can't be forced to take treatment, but the state turns around and says "No treatment, no parole." If sexual deviates are serious about seeking help and want to help themselves, then let them get their buts in gear and ask for treatment. I can respect that. If they refuse treatment, let them take their chances with the wolves.

B.B., Shelton IMU

### On Sex Offenders

...All cases are different, but it's hard to make closed categories and above all to speak of good crime or bad crime, as if crime were not rooted in a society and class system of exploitation, marginalization and the social expulsion of its "deviants."

JMR, Fresness, France

### Working With All Prisoners

When I started working with Prisoners Initiative it had been my standpoint to stop contact with prisoners that raped women or children. Others there argued: "...and then there's the one who has robbed a poor pensioner, the one who has polluted the environment, and so on until there's hardly any prisoners left with whom none of us have personal difficulties."

Here in Germany there is a group called "Women Change Rapist." They are all women who have been raped and who go into prisons for juveniles to confront the rapists with their feelings and thoughts. This is very controversial, especially in feminist sections. The main point is that it shouldn't be a woman's job to bring men up to another view of women, but men should do this for each other. As far as I know, no men try to do this. I'm convinced that imprisonment helps nothing. That more rapists are coming out of prison than are going in. Therefore only [two] possibilities remain: Pronounce the death penalty for rapists or help them change themselves.

Gaby, Dortmund, Germany

### Thanks To All

I want to express my gratitude, thanks and praise for those of you who have in any way helped this fine publication start and become a valuable tool for communication and expression of truth.

Some of the messages coming out of Purdy have been really great because they preach unity and its value. Only the guilty fear the peaceful, true [and] constructive words of the pen.

D.H., Clallam Bay, WA

### He Likes Our Law

I've received the first three issues of PLN. It's an excellent newsletter and I'd like to thank everyone who puts it together. I've used several legal avenues published in your paper with success. It's been a tremendous help for me and other inmates who I've assisted in petitioning the courts.

J.A., Walla Walla, WA

### EDITORIAL COMMENTS

By Ed Mead

Welcome to PLN #5. Let me start this by talking about some of the articles, in this issue. First there is one on the need to get computers into prisoner hands. State Senator Phil Talmadge, who is a member of the Committee on Corrections, has requested a public hearing to inquire into why computers were taken from prisoners at the Reformatory. The request was made to the chairman of the committee, Senator Thorsness. We need letters from outside supporters to be sent to Thorsness urging him to hold the requested hearing. Write:

Senator Leo K. Thorsness, Chair.

Committee on Corrections

9640 Rainier Avenue South

Seattle, Washington 98118

Every letter will help to reinstate this no-cost-to-taxpayers program that resulted in almost no recidivism for the 10% of the WSR population that owned computers. If we win here, we win elsewhere too.

We did very well on our call for donations. Indeed, our production costs for #3 was \$150; we received \$130 in donations, meaning we lost only \$20 on the issue. We may be self-sustaining before too long. Keep those contributions of stamps and money rolling in (checks payable to PLN are okay). Mail them to:

Prisoners Legal News

P.O. Box 1684

Lake Worth, FL 33460

You can also write to Paul or me with articles and such (but not money or stamps) at the following addresses:

Paul Wright #939783 Ed Mead #251397

Box 5000, HC-63 P.O. Box 777

Clallam Bay, WA 99836 Monroe, WA 98272

I have a disclaimer to make. In issue #4 I put Paul's name on an article titled "Struggle In Ohio" that was actually written by John Perotti. My apologies ....

Also in this issue we have two articles on the subject of prisoner racism. Both articles were written by social prisoners, one white and one black. (Social prisoners are those who are not in prison as a result of a conscious political decision, rather as a result of a social system that makes so-called crime inevitable.) The white prisoner equates the racism of whites with what he calls black racism. George Jackson said what some whites confuse as black racism is actually nothing more than a healthy defense reaction on the part of the victims of white racism.

(Continued on page 6)

## LET'S COME TOGETHER

By Dawud H. Malik

That ole adage about there's only two kinds of power in the world: money power and people power, with the latter being much stronger than the former is true. Across all racial groups prisoners are drawn from the poorest sectors of society. A warehouse for the "have nots" where their captors created and designed a diabolical system which further dehumanizes and reduces their status to non-humans. In spite of the horrendous conditions of prison existance the will to struggle and overcome these adverse, barbaric, oppressive conditions is stronger than not to resist.

Now is the time for all prisoners and their families to unite and organize and meet the challenge and battle these oppressive government forces that are perpetuating the insanity destroying our society. Poverty, homelessness, drugs, racism and other evils that are jailing so many of our young brothers and sisters I'm referring to humanity as a whole, not just to New Africans.

We need to come together and set out a plan of action to make the governmental powers recognize and realize we will not take any more. That we are aware of the fact that prisons are being built primarily to warehouse people who have no place in the economic order.

"The real roots of crime are associated with a constellation of suffering so hideous that, as a society, we cannot bear to look it in the face. So we hand our casualties over to a system that will keep them from our sight."

David Bazelon, US Federal Judge.

How many families live within a few blocks of each other who have loved ones in prison? Let these families be the nucleous or seed of the beginning chapter of an organization. Map out a plan of action in setting forth a few objectives on how to proceed. As prisoners we have some very constructive ideas that will help and enhance the legitimacy of such a project.

Folks reading this newsletter who are interested in getting together to organize together should write the editors a line to coordinate this. The parole board is giving out more and more time, more prisons are being built and our voice and that of our families aren't being heard. LETS ORGANIZE!!!

## LITIGATING FOR MAXIMUM EFFECT

By John Perotti

A lot of us know that our system of justice is a hypocritical one-Just-Us. The rich buy their justice, the poor are served theirs in prison cells every time they're served their cold oatmeal and powdered eggs.

However, it is good tactics to utilize our oppressors own tools of oppression against them. Surprisingly enough, a lot of significant changes and improvements have resulted from civil litigation. When I first started litigating I have to admit my main motive was revenge. Revenge for the real and imagined wrongs I'd suffered, but I'm beyond that now, but that's a different story. To litigate for maximum effect you should do so costing the state as much money to defend as possible, yet still bring about good case precedent. Bad precedents make it harder for the next prisoner. So always try to litigate issues that are winnable and which will bring about positive change. Guard on prisoner brutality issues are always worthwhile, because the mere fact that you show the courts how often brutality occurs in prison has a deterrent effect on guards and could prevent a prisoner from from being beaten in the future.

Most state attorney general offices (who represent prisoncrats) only set aside 3-10 Assistant Attorney Generals to handle prisoner cases. These Ass. AG's are always overworked. One effective tactic is to file suit for as many prisoners as possible at one time. Have your interrogatories, Request for Documents and admissions already drafted. As soon as the court docketts the cases, have each prisoner file his discovery request at the same time and watch the fun begin. Do the same for Motions for Partial Summary Judgement, which the AAG's have to oppose by gathering affidavits and documents from prisoncrats.

Once we had all the AAG's coming down to Lucasville, OH, at one time gathering evidence to oppose motions. With luck, other prisoners motions will go unopposed due to the AAG's being tied up elsewhere. Hey, a win for one is a win for all.

You should also share information with other prisoners litigators, create brief banks to assist each other. Networking is a must. After all, they do it.

Share depositions of prisoncrats, you'll be surprised at how many different lies you'll catch them in on a case by case basis, these are effective trial impeachment tools. Try to have at least one outside contact who will xerox, store and redistribute documents. Utilize newsletters such as this one to share and request information on litigation. You never know when a comrade in a different state might come up with the argument you're looking for. Remember, the struggle is a nationwide one, respect your fellow and sister prisoners. Always assist those who are unable to do so for themselves.

And always remember, Watch your back. Whenever you oppose or challenge the state, they'll go to great lengths to break you. Have someone watch your cell for set ups, keep constant outside contacts, be prepared and Fight Back!! (legally of course).

#### HIGHWAY ROBBERY

By Paul Wright.

On April 18, 1990, Chase Riveland, Secretary of the DOC, signed DOC Policy 270.070 "Legal Financial Obligations (LFO) Program in Prisons. Effective immediately.

The main purpose of this policy is so that the counties, via the DOC, can collect fines, restitution, court costs, etc., imposed by the sentencing Court. This is nothing new and has been done by the DOC, albeit not efficiently, in the past.

However, Section A of this policy states that a "Mandatory Savings Account" of \$250.00 will be established for each prisoner. The money will be collected when the DOC takes 10 % or \$1.00, whichever is greater, from all deposits to a prisoners inmate trust fund account. In other words, the DOC will involuntarily take a 10% cut from all earnings, gifts from family, etc. This has nothing to do with the LFO part of the policy and will affect everyone.

They state the purpose of this is to "provide the inmate with funds upon release or transfer from the DOP." As if \$250.00 will mean anything to those of doing life sentences and life without. The DOC has exempted the policy from the grievance procedure leaving no administrative avenue to challenge it by.

Nothing is said what will be done with the interest generated from these involuntary "savings" accounts but we can bet that they

won't go to prisoners.

The 9th Circuit, in a case out of Walla Walla held: "There is no question that Quick's interest in his prison account is a protected property interest." See: Quick Vs. Jones, 754 F.2d 1521, 1523 (9th Cir. 1984).

Saying that its purpose is to provide us with gate money may not hold up in court because the legislature, in RCW 72.02.100 specifically provides that the state give each released prisoner \$40.00, transportation and a set of clothes upon release. If this isn't sufficient, the legislature needs to appropriate more funds, they're spending \$450 million to build more prisons so it can't be a lack of money.

None of the RCW's cited in the policy authorize the DOC taking the money for this savings account, only to pay LFO's. Once taken from us we will have no say in what the DOC does with this money until after we are released. Your children may be sick with no money for health care and the DOC will have this money sitting in an account somewhere and you'll have no access to it. Every penny your friends and family send you, or that you earn will be taxed by the DOC.

Note that the Supreme Court recently ruled that the states can't take federal money (social security, pensions, etc.) from prisoners to pay for our incarceration.

(**Editorial Comments** continued from page 4) I agree. - It is like men who claim women are sexists because they seek equality and want to develop a sense of self. Just as it serves the interest of capitalism to pay women only 58% of what men earn, to not pay or otherwise recognize the socially productive work women do in the home, and to keep women subservient and dependent upon men, so too does racism serve the political and economic interests of the ruling class. On the outside, just as in here, racism keeps workers divided and wages down. The black prisoner's response is saying to whites, if you're sincere about unity then you should first address the question of organized racism within your own ranks. A point well made.

See you next month. Enjoy the paper. And be sure to discuss the proposed legislative initiative with people. This is our chance to start exercising democracy. Let us see what we can do.

## WHY RACISM

By Jon George

This is addressed to you in prison, whether you are a white supremist or a black supremist, or have any other racist sympathies.

What is racism? Racism is a belief that your own race is superior and that all other races are inferior. Racism means that anyone not of your race is your enemy, is stupid, worthless, subhuman. Conversely, those of your color are therefore your friends, and you have to unite against the lesser races who are out to destroy you. Logically, then, if you are a white aryan, etc., all other whites are your allies. Similarly, if you are an extreme black muslim, etc., only those who aren't white are your brothers and everyone else better look out.

Racism as a belief, however, makes absolutely no sense from the prisoners point of view. Racism in the prisons does not help either white or black prisoners. Racism in the prisons accomplishes one thing only. It divides the prison population, making it easier for the guards to control you. Guards love racism! You are so busy fighting each other because of your skin color that your captors/jailers/torturers don't have to worry about you! Racism plays right into the hands of the prisonecrats and ruling scum.

Consider this--in todays prisons, white prisoners openly collaborate with the white guards, white officials, with a white system. What the hell for? These people are not your friends, these people are keeping you locked up. It was a "white" justice system that put you in here in the first place. If they are really your white buddies, why don't they set you free? Race is not the dividing line, its the control of power in society.

Likewise, this collusion forces black prisoners to react, banding together as a race against the whites. Wake up Suckers! There are plenty of black cops who wouldn't think twice about shooting you, plenty of black judges and politicians who want you locked away forever. Are these people your friends? Attitudes, not color, must determine where the line is drawn.

We have to look beyond race. 30 years ago there was a code between convicts--no collaboration. 30 years ago we did not

have the kind of prisoner on prisoner violence that we have today. 30 years ago, prisoners of all races were united against The Man, against The System, Against the pigs. That unity has disappeared and we desperately need to get it back. The only alternatives to unity are sucking up to your masters or fighting endless suicidal battles--thats no solution!

If you think blacks are stealing your jobs, think again fool! Its the people in charge of your country who are taking away your jobs, making you poor. They get rich off your labor, and they're laughing all the way to the bank when they see you attack minorities because of your own ignorance. Its the Amerikan power system that puts you in prison when you step out of line. You are not fighting a Zionist Occupation Government--thats a myth! What you are up against is people of all colors and faiths who have the same desires: Power, Control, Violence... Recognize your real enemies--the rich, who come in all shapes and sizes but who feed on the blood of the working man.

If you think whites are keeping you down, think again. There are thousands of whites in Amerika who are just as bad off as you are, and who sympathize with your situation. Its the people in power who keep you down. There is no conspiracy to destroy the black race--it's a conspiracy to destroy the poor of all races, to sacrifice them to profits. Blacks are just the latest in a long line of underclasses trampled by the Amerikan elite. Native Americans, Irish, Chinese, Mexicans, Italians, they all went through the same thing. Its the people who run capitalist Amerika who do the oppressing, whatever their color. It was black paratroopers who put down the Detroit riots in the 60's. It was black cops who moved in to kill black panther Fred Hampton.

Look at that black man across from you. That is not a nigger, that is a prisoner.

Look at that white man across from you. That is not a White Devil, that is a prisoner

You are both in the same boat. You belong together. You should be allies. That guy in the uniform is not a white man. That guy in the uniform is not a black man. That guy in the uniform is a PIG! He is your enemy. Your brother is in the cell next to you.

You must unite against the power structure, it is the power structure that keeps you down, not the skin of your enemies. It is their goal to divide you, to make you

helpless, to make you hate each other.

In the Santa Fe penitentiary riot, over 30 prisoners were killed by other prisoners, and race was a major factor. The riot ended as quickly as it started, it was just a bloody free for all.

In the Attica uprising, all races worked together. Prisoners tasted freedom and cooperation for days, regaining their self-respect and manhood--at the expense of police, not so-called "enemies". The Attica unity forced concessions from the power structure. Solidarity was what kept the so-called riot going. Attica was recaptured by PIGS, not by whites or blacks.

If you are a racist, you may as well strap on a gun and a badge.

If you are a racist, you are a tool of the PIGS.

If all prisoners are your brothers, you are an army of liberation.

#### RESPONSE TO THE ARTICLE "WHY RACISM"

By Gregory "Mandela" Carey

Let me answer your article in this manner to enlighten you.

First, understand that America is a very racist country. Despite all the laws against discrimination, a person's race is of prime importance to himself and to others with whom he comes in contact with. In some situations, in some places, like prison, it can even determine your chances of staying alive.

Second, we were all created equal, but despite our personal dedication to the theory of brotherhood, in practice, racial, religious and ethnic prejudice is a definite part of our society. Racism was established in American history from the very beginning if you remember. Some form of white supremacy, both as an ideology and as an institutional arrangement, existed from the first day English immigrants, seeking religious freedom, arrived on the North American continent. From the beginning the early colonizers considered themselves culturally superior to the natives that they encountered. Also, the social arrangements which fixed unequal opportunities and treatment for African-Americans can be traced back through American history too. You need to review the historical roots of racism and examine the ideology that justified its existence before you claim that brotherhood is possible, especially, in a prison setting.

Third, in understanding how deeply racist practices are embedded in the American experience and values of American society, you can come to a fuller understanding of "black extremism" as you call it, or "black supremacy" as it is mentioned in your article. You must remember that this racism is deeply embedded in American society, of which slavery was only the earliest and most blatant practice, is still being performed in many other ways today. Political, economic, educational, religious, cultural, etc., etc., are to just name a few areas that racism is being practiced in society and in prison by your people. Remember that the freeing of the slaves and creating civil rights laws changed very little for us (African Americans). Jim Crow laws, black codes, lynchings, and public burnings were the law after emancipation and this attitude of white supremacy has carried over ever since. These laws were created to make sure that your people kept control over my people. We did not create these cruelties but we have had to defend against them.

Fourth, in regards to black extremist, I say that you have forgot all the aforementioned history of this nation. African-American people found in the ideology of black nationalism the kind of stimulation they needed to work and fight for their identity, equality, self-respect, justice and most of all, total freedom. Is justice color blind? Have you that proclaim brotherhood in the jailhouse forgotten where you are? This is America! How can you fight against the established order in prison and it is not being done on the street? Just because you have come to prison, do you now want to be my brother to fight against the same white power structure that I have been fighting against all my life? What happens when you leave the prison? Where are you coming from and is your feeling about convict unity for real? Think about what you have said for we who have been fighting injustice all our lives are not this easily fooled.

#### FIRE HOsing STOPPED!!!

On July 9, 1990, US District Court Judge Arthur Spiegel entered a preliminary injunction ordering a halt to the practice of Ohio prisoncrats at Lucasville, of firehosing prisoners in their cells. A full trial on the merits will follow.

## THE STRUGGLE FOR PRISONER OWNED COMPUTERS IS CONTINUOUS

By Ed Mead

Prisoners are slaves of the state, a status legitimized by the Thirteenth Amendment to the U.S. Constitution. These modern day slaves need every tool they can get in an effort to alter their status and to extend democracy to include all people. Computers in the hands of prisoners can be a tool for democracy. Such machines can also enable prisoners to produce quality legal work that nearly puts them on an even playing field with the state in the litigation arena. And, finally, computers can teach prisoners skills that will enable them to earn a living once released from prison.

Inmate owned computers at the Washington State Reformatory worked toward the above objectives and a whole lot more. For over three years approximately ten percent of the W.S.R. population had computers in their cells (53 computers out of a population of just under 550). During that period only one computer was lost due to a "security" related incident; an inmate had stashed a small amount of marijuana behind his monitor. On the other hand many prisoners learned valuable computer related skills, at no cost to the tax payer, and are today earning good livings in the computer industry on the outside.

The Prisoners Computer User Group has followed the progress of former computer owners from the prison. Of the dozens who have been released only one has returned to prison. This must be contrasted with the national recidivism rate of 62.5 percent. Moreover, practice demonstrated that prisoners who had previously maintained poor adjustment records did a complete turn-around after getting a computer in their cell. All in all the problems were minor and the benefits substantial.

Then in the Spring of 1989 it all changed. Larry Kincheloe, the former warden of the infamous gulag at Walla Walla, was promoted to the post of Director of Washington's Division of Prisons. One of his first acts was to launch an attack on the Reformatory's program of prisoner-owned computers.

The oppressor is always fearful of the oppressed's potential ability to communicate the reality of their condition to too many people. Oh how the bourgeois press would denounce the Soviet government for not allowing its citizens access to photocopying machines and computers. In truth there were not that many machines available in Russia. Yet we have them here in large quantities, but the government will not allow them into the hands of

what is clearly the most oppressed segment of society.

How many members of the public know it costs \$40,000 a year to confine a prisoner, or that they could send him or her to Harvard and make nuclear scientists of them for a lot less money? How many know that in return for this outrageous amount of money they get twisted individuals bent on revenge, so full of rage they take it out on their wives, children, neighbors, and the community? How many know that imprisonment only makes the problem worse, merely temporarily delays an even worse offense? These and many other messages must be communicated, and computers are an essential tool in the effort to accomplish this task.

In August the Department of Corrections will have released its final order on the computer issue. That order will officially terminate the WSR computer ownership program (the computers have been held in storage at the Reformatory for over a year pending this decision). This order must be struggled against and reversed.

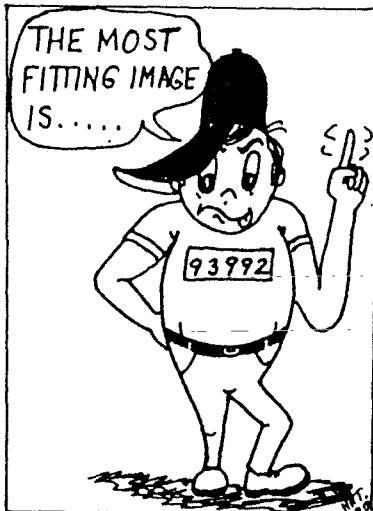
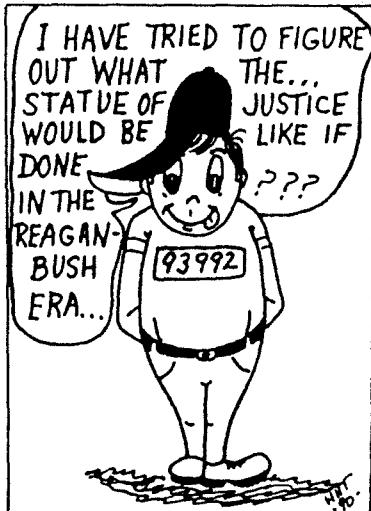
New Jersey and a still too small number of states allow prisoners to have personal computers in their cells. Washington prisoners must not only get these machines back into the Reformatory, but the program must be extended statewide. There was no rational basis for taking the computers in the first place, other than it was inconvenient for the custody staff. But it is the public and social good that must decide such matters, not the laziness of prison guards.

WSR prisoners have involved their family members, written letters to lots of officials, filed a major law suit on the computer issue, and have now moved things to the point where the state senate is going to hold a hearing on the question of why DOC took the machines away. More must be done to get this situation changed. We need your help, too.

### READ THE PRISON NEWS SERVICE

If you're not reading the Prison News Service, why not? PNS covered the Clallam Bay riot, who else did? It is free to prisoners who write: Prison News Service, P.O. Box 5052, Station A, Toronto, Ontario M5W 1W4 Canada.

PRISON MADNESS by H.H.Thompson



P.L.N.  
P.O. Box 1684  
Lake Worth, FL 33460

FIRST CLASS POSTAGE

TO: \_\_\_\_\_  
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# Prisoners' Legal News

*Working to Extend Democracy to All*

Vol. 1, No. 6

October 1990

## WALLS GETS "SPECIAL NEEDS UNIT"

With increasing numbers of mentally ill people being sent to prison here in Washington, prison officials finally decided that something must be done to treat their particular needs here at the Penitentiary.

Dubbed a "Special Needs Unit" in a local paper, administrators have made plans to house 130 mentally disturbed prisoners in Five Wing. And they've hired 15 new mental health staff to care for their psychological needs.

All of this is good news for mentally ill prisoners in general. But it is particularly good news for those living in IMU. For years now the state has herded mentally disturbed prisoners into segregation, where they were housed on the same tiers as other population inmates. And everyone has suffered a great deal because of those living arrangements.

As of yet the Special Needs Unit has not been opened. But when it does 25 inmates are expected to leave the IMU and be placed in that unit. With an IMU population of less than a hundred, one can see there were many mental health cases housed here.

It is our hope that these men will get better treatment in Five Wing than they did in IMU.

By Mark LaRue

## CLALLAM BAY GETS COMPUTER PHONES

Starting on August 8th, prisoners at C.B.C.C. were treated to a new phone service, one run by a computer. You pick up the phone and the machine asks for your name and the number you want to call. It then dials the number and tells the person at the other end: "Will you accept a collect call from Such and Such, who is a prisoner in a correctional institution? If so, press 'three' on your touch-tone phone." The electronic operator then times your call, and after nine minutes warns you that you have one minute left. At ten minutes the phone is automatically cut off.

Needless to say, this new system is not a big hit with C.B.C.C. prisoners. Indeed, since many of the families and loved ones of prisoners are poor, they cannot afford the more expensive touch-tone phones. This of course has the effect of denying phone rights to those men with the poorest families.

Look for the arrival of this "brave new world" of phone service at a prison near you.



## MISSION OF S.O.C. TO CHANGE

The Special Offender Center (SOC) is going to become another Intensive Management Unit (IMU). The proposed change is scheduled to take place on July 1, 1991. The SOC was designed and built to house prisoners with mental problems, and has served in that capacity since it was opened in the early 1980s. State prison officials had subsequently tried to get funding for the construction of an IMU at the Reformatory, but the legislature refused to go along with the scheme.

Under the new plan the SOC will become a part of the Reformatory, just as the Walla Walla and Shelton IMUs are a part of their respective parent institutions.

The men currently housed in SOC are suffering from mental illnesses. According to the plan they will be shipped out to Walla Walla and Shelton. It is open to question whether these mental cases will be subjected to the type of warehousing SOC was built to end. There is also some speculation by prisoners that the planned closure of SOC is a cynical attempt by DOC to circumvent the legislature's intent not to have another segregation type facility at the Reformatory.

## FROM THE EDITOR

By Paul Wright

Welcome to PLN #6. When we started this publishing project we didn't know how far we'd get. We decided to see how much support our efforts would generate. Issue #4 paid for itself, and #3 almost did, so it looks like we'll shoot for a full 12 issues. To keep going we need your support, both in the way of articles, art, news, and also stamps and money. We can accept personal and prison checks, too, so send donations to:

Prisoners' Legal News  
P.O. Box 1684  
Lake Worth, FL 33460

If you like what you're reading don't keep it a secret, share it with your friends and family members, and send us a donation to keep us going. We welcome comments and criticism on how to improve our style and content. Letters, articles, and site suggestions should be sent to either:

art, etc should be sent to either:  
Paul Wright #930783 Ed Mead #251397  
Box 5000, HC-63 P.O. Box 777  
Clallam Bay, WA 98326 Monroe, WA 98272

Don't send stamps or money to us as we are prisoners. If you're located in Europe or the Middle East send donations to:

Oxford ABC  
Box 22, 34 Cowley Rd.  
Oxford, England

If you are in Canada, Latin America or Australia/New Zealand, send donations to:

1000, 1000 1000  
Toronto ABC  
P.O. Box 6326, Sta. A  
Toronto, Ont., M5W 1P7 Canada

Each of the above groups, in Florida, England, and Canada, keep their own mailing list for that respective area, so send what contributions you can to offset production and mailing costs to the appropriate address. I hope I haven't confused everyone!

One of our prisoner readers recently wrote complaining that PLN reflects the leftist views of its editors. Ed's comment was that we provide news and analysis from a working class perspective; you can read the ruling class viewpoint by picking up the Times or turning on the TV. My view is that there is no such thing as "objectivity," as all writing is shaped by our own experiences and views. All too often "freedom of the press" means freedom to those who own the presses, and that "freedom" reflects the bias of the media owners both in terms of what they print

and, more importantly, in what is not printed. We aim to be the voice of the voiceless and provide a forum for news and discussion for those who are normally cut out of mainstream media.

Yes, it is true we are "biased," but is our bias against racism, sexism, oppression and censorship a bad thing? I don't think so.

Speaking of censorship, the Washington DOC, in particular its secretary, Chase Riveland and his lackeys in Olympia, are attempting to ship me to a gulag out of state in an effort to crush the PLN. All of a sudden Riveland has a humanitarian impulse for me to "be close to your family" in Florida. I note that other prisoners who do want to leave the state are denied the opportunity. Ed too has been hearing rumors of a punitive out-of-state transfer.

We expect to continue to publish this newsletter regardless of our personal situations. To this end we will keep everyone posted of developments.

We are thinking about the idea of putting out a local and a national/international version of the PLN. The only difference would be that we would drop the local news and some of the legal articles from the international version (our foreign readers have no use for U.S. legal rulings) and send them more U.S. political and prison news, while on the local or Washington level we would stay the same or put in more news on local developments like the parole board, prison happenings, etc. We would like to know what you, our readers, think of this. Happy reading.



## GOVERNMENT SPENDING FOR CIVIL, CRIMINAL JUSTICE REACHED \$61 BILLION IN 1988

Federal, state and local governments spent \$61 billion for civil and criminal justice in 1988, a 34 percent increase since 1985, the U.S. Justice Department's Bureau of Justice Statistics announced on July 15.

Other findings in the report were that federal, state and local governments spent \$248 per capita: \$114 for police, \$78 for corrections, \$54 for judicial and legal services, and \$2 for other items.

Almost half of the nation's justice spending was for police protection. Corrections accounted for almost one-third of justice costs. Spending for corrections grew the most during that period, by 65 percent. Since 1979 state spending for prison construction increased 593 percent in actual (constant) dollars. That's some 2.6 times the rate of spending to operate prison facilities.

In October of 1988 the nation's civil and criminal justice system employed 1.6 million persons, and the total October payroll for them was almost \$3.7 billion.

For a copy of the report Justice Expenditure and Employment, 1988 (NCJ-124132) write to: National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

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## USE OF JAILHOUSE INFORMANTS FAULTED

A grand jury has issued a stinging rebuke of the Los Angeles district attorney's office for failing to assure that "jailhouse informants" called as prosecution witnesses repeatedly over the last decade were telling the truth. "Very little effort was expended by the DA's office to investigate the background and motivation of most jailhouse informants in order to assess their credibility prior to presenting them in court as witnesses," the grand jury concluded in a 153-page report.

The grand jury did not answer the question of whether law enforcement officials actively solicited informants to lie, as some informants told the grand jury. The grand jury said: "Either egregious perjurers have been used as prosecution witnesses or law enforcement officials committed shocking malfeasance."

The scandal over the reliability of informant testimony first broke into the open in October 1988, when one informant, Leslie White, wrote a magazine article describing how, using pay telephones inside the jail, he could pose as a law enforcement official and gather information about a fellow inmate awaiting trial and the crime he was accused of, and then fabricate a credible-sounding confession purportedly made by the suspect. White later showed those phone skills to officials.

## POLICE TORTURE IN OHIO

Dayton Ohio City Manager Richard Helwig has reprimanded police officials for a "breakdown of command" that allowed allegations of police torture of a drug suspect to go unreported for six months.

Police officials said that officer John Gamble admitted scorching David Greer, a drug suspect, with a clothes iron several times at Greer's apartment on January 12 while another officer, Ron Norton, held the suspect against a mattress. The confession, which followed months of denials by Gamble and other officers, came on July 6, and was disclosed in the July 18 issue of the Dayton Daily News. Helwig said it was the first he heard of the incident.

Gamble, Norton, and a third officer accused of lying about his knowledge of the brutality were fired.

## PRISONERS CAN'T BE PUNISHED FOR REFUSING TO PERFORM UNCONSTITUTIONAL ASSIGNMENT

In a recent decision by the U.S. Court of Appeals, Fruit v. Norris, 905 F.2d 1148 (8th Cir. 1990), the court held that "prison inmates are protected from punishment for refusing to perform an unconstitutional assignment. For prison officials to knowingly compel convicts to perform physical labor which constitutes a danger to their health, or which is unduly painful constitutes an infliction of cruel and unusual punishment....

The court, at page 1150, went on to say that certain "acts or omissions [are] so dangerous (in respect to health and safety) that knowledge of the risk can be inferred." A lot of good cases are cited, too. Those forced to work with dangerous chemicals or toxic substances without adequate protective gear might be interested in reading this case.

## DEATH ROW ABOLISH

By Mark LaRue

For several months it was rumored that death row was being closed down and everyone with a death sentence was being moved to the other tiers in IMU or 5 wing [protective custody, editor]. No one believed the rumors of course. So it came as a real surprise to learn everybody on death row was moved and a whole new cast of characters was now occupying their old cells.

What prompted these changes is not yet known. But most, if not all, with a death sentence will benefit from these changes so no one is really complaining at this point in time. Indeed, some prisoners have been on death row for six years or more and welcome any chance to get off death row and out of IMU even if it means going to 5-wing.

As it stands now, only half of the death row prisoners are still in IMU as they're gradually moved over to 5 wing. However, others are waiting in the wings to take their place and can expect to stay in IMU for at least a year before they are eligible to join the others in 5-wing.

Needless to say, there's really no point in housing any of these men in IMU because they have the death penalty. But it'll take time for officials to realize these prisoners don't pose a problem here at the Washington State Penitentiary. Indeed, this is the third or fourth time death row has been eliminated at this prison. Our general population is already full of former death row prisoners who have never caused a problem of any kind. So why bother housing these men in IMU? Your guess is as good as mine, but that's how it is here at WSP.

## PRIVATE GULAGS IN ENGLAND

By Mike Vukasinovic

Following the de-nationalised policies of the Tory government of the UK, plans are afoot to privatise new remand centers and the escort of prisoners to and from court. This announcement comes as a prison officers revolt is happening. The officers are refusing new inmates so that prison cells are being used. Prison authorities are allowing British prisoners to be 3 to a cell built for 1 over a 100 years ago, and locked up for 23 hours a day. Conditions have led to revolts but the governments reply has been heavy handed as usual. No dialogue, just more state repression. Still, the conditions continue. The Tories are deaf to anything that smacks of a

climb down even when justice is at stake. Confrontation politics is their motto and to pour oil onto fires are their replies.

Prisoners are trying to organize into a liberation group. Whether it exists or not no one yet knows. It may be a figment of the imagination of British prison officials.

Anyone interested in more information can contact:

Prisoners Aid  
C/O Oxford ABC  
Box 22, 34 Cowley Rd.  
Oxford, England

## THE ULTIMATE HUNT

This is what jackets had embroidered on them that were given away by Jerry Hodge, the Vice-Chairman of the Texas Board of Criminal Justice. The occasion was for Hodge and two of his cronies to "hunt" prisoners from the Huntsville prison using tracking dogs. The prisoner was released on state property, given a head start and then tracked down by a pack of hounds with Hodge and company following on horseback.

To commemorate the "hunt" Hodge had the jackets made up and gave them to his buddies. Hodge also serves Republican gubernatorial candidate Clayton Williams spokesman on prison issues. One state legislator denounced the use of prisoners as prey as "a slave sport". The hunts take place several times a week at 25 of Texas' 35 prisons.

Prisoners who "volunteer" for the hunts are rewarded with having time cut from their sentences.

## FREE TIM ANDERSON

Tim Anderson is an Australian political activist. In 1978 he and two others were convicted of planting a bomb that killed a cop and two bystanders. They were convicted and spent 7 years in prison. After extensive inquiries the government decided that Tim and the others had been wrongly convicted on the basis of perjured testimony by cops and all 3 were released in 1985 and compensated for the time spent in prison.

Upon release Tim was politically active and a vocal critic of the Australian prison system. He was rearrested on the same charges by the same cops who lied at the first trial. This is the most controversial trial in recent Australian history. For more information we urge you to contact:

Framed  
P.O. Box A737  
Sydney South 2000, Australia

## IT COSTS TOO MUCH AND IT DOES NOT WORK

We Need To Prove It!

According to the Bureau of Justice Statistics (BJS), during the period between the end of 1988 and the end of 1989, there was a 12.1 percent increase in the number of state and federal convicts confined in the U.S. And from 1980 until the end of 1989 there was an overall increase of 113 percent people behind bars.

Are the streets any safer as a result of locking up all these poor people? Not really. According to another BJS report, its National Crime Survey, during that same period robbery increased by 21 percent. Seattle's murder rate for last year rose by a whopping 48 percent! With figures like these one could almost argue that crime increases in direct proportion to the number of people locked up.

The only point we are trying to make is that we cannot build our way out of the crime problem. Since 1983 the state of New York has spent \$3.7 billion for new prison capacity. Today they are starting to look for alternatives. Robert Gangi, director of the Correctional Association of New York, said "[t]he dramatic increase in the number of people locked up on New York ... has already cost the state billions in prison construction and operating expenses. This approach has gotten us nowhere," Gangi said. "Statewide crime rates have gone up, not down. We cannot afford to continue to waste expensive prison space on people who can be handled in other ways."

Will Washington state learn the lessons of New York without first having to squander billions of dollars of taxpayer money? The answer turns in part on the ability of prisoners and their supporters to effectively communicate to the public the expensive and mis-directed policies adopted by the Department of Corrections (DOC) and the state legislature. At present they are blindly following the failed practices of New York and other states who have tried to "build" their way out of the problem of violent crime.

One starting point, and the task some group of outsiders and/or prisoners must quickly undertake, is to get an exact figure of the yearly cost of housing a person in prison. According to the June issue of the Washington State Corrections Employees Association News, DOC boss Chase Riveland predicts the state's prison population will double over the next five years.

"Our operating budget," said Riveland, "currently at \$490 million, will shoot to \$1.3 billion by 1995."

The \$490 million biennium operating budget, when cut in half (for a one year budget) and divided by the number of adult prisoners (some 8,000 people) comes to an amount of nearly \$40,000 per year for every man and woman in prison. But this figure is not an accurate one.

The figure does not include prison costs contained in other DOC budgets or the budgets of other state agencies for such services as payroll administration, accounting, employee benefits, education programs, legal services, medical expenses, transportation, capital improvements, facility construction, planning, etc.

We need an outside group and prisoners to study the applicable data and obtain the actual cost of confinement. The DOC's method of calculating the annual cost of confinement is to merely take the budget of a specific institution and to divide it by the prisoners housed there, a method that does not include such costs as maintaining a bloated corrections bureaucracy in Olympia.

Please give some thought to doing serious work toward obtaining accurate information not only on the annual cost of incarceration, but also on gathering meaningful statewide crime figures. Armed with the proper information, the job of communicating will be far easier. It will take utilizing the state's public disclosure laws and possibly litigation to pry the information from the hands of officials, but it can be done if we have the help of our loved ones.

By Ed Mead

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## LETTERS FROM READERS

We encourage letters from PLN readers. Words in brackets [like this] reflect material added by the editors in order to clarify a subject. Letters are edited for length. The names of writers will not be published unless specific authorization is given. We would like to see this section become a forum through which prisoners and family members can criticize, express ideas, and share information. Here are some letters recently received by newsletter workers:

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### Suggests Prisoner Information Network

I would like to see something somewhere in between or with local and legal news and some international and national connections. Perhaps some info on what it takes to organize a newsletter like PLN, so that other regions/states could develop their own information service and a clearing house for national and international news that could be shared and spread through local newsletters. This would be a way to build political consciousness, and to get useful information to a majority of prisoners.

I like the discussion on sex offenders. It was a good topic to open up debate, encourage self-struggle. Personally I am repulsed by the crimes and would have trouble relating to those offenders, but realize that 1.) prison is no solution (to anything but jobs in the community they get put in), and 2.) Prisoners must actively resist attempts by their cagers to turn one against another to further their control. Community based therapy [re-education] for sex offenders rather than punishment [would work best].

D.B. Peaks Isl., ME

-00-

### News From Shelton

It's hard to explain what's going on here at [Shelton] these days. The high muckey-mucks somehow decided the R Units were a little too crowded with three and four to a cell, so they shipped everyone from Birch and Spruce Halls, double bunked Pine and Evergreen, and made R4 and 5. These lucky captives get to wear bright orange jump suits and it adds a nice touch to our campus atmosphere. It's sure to be a big attraction on Halloween while we try to figure out how to un-crowd [our] population. It must be something to do with either decreasing the increase or increasing the decrease.

Your issue #3 proved to be a handy guide in drafting my amended complaint. It helped me to step on the snake's tail and allege all alternatives so it can't slither away this time. Terms like "tacit authorization" and "administrative liability," together with "individual capacity" assisted me in naming defendants all the way from counselor to DOC Secretary. Thanks for the help.

D.H., Shelton, WA

-00-

### Another Great Idea

We should try to force the parole board to change its name to Prison Population Control Board or PCB for short. That way their ability to recognize rehabilitation and provide post parole supervision would be more easily seen as a facade by the public.

C.R., Kent, WA

-00-

### We Were Correct

Your article [in #3] was correct about the housing of mental cases here in the IMU. You try and live with a guy talking day and night about how he was beaten, tortured and raped by half the guards and inmates in a 3 state area. Yet another is "brewing" a feces-urin-footcream cocktail, and another is throwing feces and urin on the tier. And of course what would a cracker barrel be without at least one screaming at the top of his lungs about the multi-million dollar law suit he's gonna file... Oh, and there's the one who thinks he's a werewolf and who subjects us to midnight calls of the wild.

I wish to further compliment PLN on the international section. I am involved in several international situations, and your paper brings me closer to the international scene. We must all help each other.

D.O., Walla Walla, WA

-00-

### We Were Wrong

I would like to take exception to your article "Where Now For The Sex Offender" [in issue #4]. Your apparent bias in the negative regarding these people leaves much to be desired. I realize you are entitled to your opinion, but you came up real short not only in being factual but in your bigotry. I am truly disappointed that you would print trash that's sensationalistic garbage.

An Inmate's Wife

## RUSSIAN PRISONERS REVOLTING

Russian prisoners gave up after a riot in the Dnepropetrovsk prison in the USSR's Ukraine. The surrender took place on June 19, ending a rebellion that left the prison in smoking ruins and four prisoners dead. Of the four dead, one hanged himself, another overdosed on drugs from the prison's hospital, a third was shot by prison guards, and the fourth died of injuries sustained during the June 13th takeover.

Authorities said the prisoners released their hostages unharmed but did not say how many had been held captive or who they were. The prisoners left behind a demolished and smoldering prison, with a yard bloodied by the slaughter of pigs for a final feast. On the eve of their surrender, the men slaughtered and roasted 100 pigs from the kitchen and downed them with gallons of vodka.

The Soviet news agency, Tass, said the uprising caused an estimated \$4.8 million in damages. Authorities also said it was the worst prison riot in Ukrainian history.

The prisoners had rioted for improved conditions. Families of the prisoners stood guard outside the facility during the riot. One woman likened the prison to a pigpen. "There are cockroaches as big as horses and there are lice in the prison cells," she said.

The problem appears to be nationwide, not unlike the series of riots across the U.S. during the 1950s that lead to experiments with rehabilitation model (now largely discredited).

Interior Ministry spokesman Dmitry Seleznev said in Moscow the uprising was the latest in a series of protests over poor conditions at Soviet penal institutions.

Seleznev said a year ago there was an outbreak of hostage-taking in prison and labor camps, followed by strikes in special labor-treatment camps for alcoholics. A month ago, he said there was a peaceful protest against overcrowding and poor conditions at a prison in Khabarovsk.

And by early June 18 in Chelyabinsk in the Urals, 900 miles east of Moscow, hundreds of heavily armed troops had suppressed another prison takeover by 1,000 inmates, killing one prisoner and wounding several others to regain control. "It's kind of like an epidemic," Seleznev said of the revolts.

Although conditions in Soviet prisons are believed to be quite harsh, the London-based human rights group Amnesty International said prison conditions have somewhat improved recently.

## WHAT'S WRONG WITH THIS PICTURE

The Washington State Court of Appeals recently handed down a ruling that demonstrates how "equal justice" really works. In State v. Allert, 58 Wn.App. 200 (1990), the court upheld an exceptional sentence below the applicable guideline range for Terry Allert. Mr. Allert, the former police chief of Ritzville, Washington, robbed two grocery stores, and pleaded guilty to two counts of first degree robbery. The standard range for this crime is between 41 and 54 months in prison on each count. Mr. Allert was sentenced to 12 months in work release.

Why did the appeals court uphold this very light sentence? The court said it was because of "his [Allert's] inability to appreciate the wrongfulness of his conduct...brought about by the combination of alcoholism, depression and his compulsive personality." (Id. at 209) While RCW 9.94A.390 does indeed authorize a departure from the sentencing guidelines if "the defendant's capacity to appreciate the wrongfulness of his conduct...was significantly impaired," the statute expressly states that "voluntary use of drugs or alcohol is excluded" from being used as a mitigating circumstance.

The question of "why" becomes even more pressing when considered in light of State v. Weaver, 46 Wn.App. 35 (1988), in which that same court held that a defendant's long history of alcohol abuse was an aggravating factor justifying a sentence in excess of the standard range.

So alcoholism is a mitigating circumstance if you are a former police chief (or otherwise have connections), and it is an aggravating circumstance for all the rest of us. Why it's enough to shake one's confidence in bourgeois justice.

## JUDICIAL HIGHPOINTS

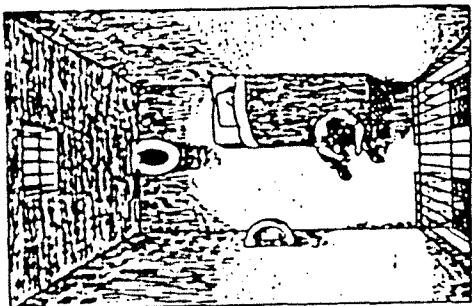
Terry Dorsey, convicted in a Sacramento, California, Superior Court of shooting "Billy," the first police dog to die 'in the line of duty,' was sentenced to eleven years and eight months in state prison. This sentence was imposed in spite of the fact that the dog had first attacked Dorsey. ---

An Arizona man named Jay Jonas was sentenced to a 25 year term for selling one joint of marijuana to a 14 year old youth for one dollar. He petitioned the Arizona Supreme Court for a review of his sentence, arguing that it constituted cruel and unusual punishment. The high court ruled the punishment was not excessively harsh. ---

## EXPRESSION

By V. Martinez

When the prison gates slam behind an inmate, he does not lose his human qualities. His mind does not become closed to ideas. His intellect does not cease to feed on free and open interchange of opinions. His yearning for self respect does not end. Nor does his quest for self realization conclude. If anything the needs for identity and selfrespect are more compelling in the dehumanizing prison enviroment. Whether an O-Henry writing his short stories or a frightened young inmate writing his family, a prisoner needs a medium for self-expression and correspondence with the outside world.



WOMEN IN PRISON

This is the topic covered in two parts by the publication "New Directions for Women" in the March/April and May/June, 1990, issues. The number of women in prison is about 7 % and rapidly growing due to mandatory sentences, harsher laws, etc. All to often we forget that women prisoners exist and that they have problems not encountered by male prisoners, especially in the area of gender discrimination, stereotypes, etc. These two issues examine these problems in detail, covering: Battered women, lesbians and mothers, etc. Free to prisoners. \$2.00 an issue, \$12.00 a year for "free" folks.

New Directions for Women  
108 West Palisade Ave.  
Englewood, NJ. 07631

## PRISONERS ON PURPOSE

"A peacemakers guide to jails and prisons" is put out by Nukewatch. It deals with the experience of nuclear resisters (these are people who engage in civil disobedience/civil resistance to nuclear weapons

and power, by blockades, hammering missiles, etc.) who have been imprisoned because of their activities resisting nuclear weapons and such. It has a "review" of various county and federal prisons by prisoners who've been in them (usually near protest sites ), it tells people who may have never been in jail before what to expect, especially those guided by their religious beliefs to oppose the imperial war machine. It has a section on prison survival. If you're already in prison this won't do you much good, but if you're involved in civil disobedience and want to know what to expect, this is for you. Cost: \$7.50 with 145 pages, some drawings.

Nukewatch  
P.O. Box 2658  
MADISON, WI. 53701

## PRISON RESOURCES

As you read through PLN you'll notice that few if any of our articles are reprints from other publications. We think its better to be original than to duplicate the efforts of others and we have only 10 pages to get our message out. Whenever possible we try to let you know about other good prison 'zines. Below is a partial list of prisoner oriented zines. Unless noted, all are free to prisoners. Due to space I can't list all the zines I get. I have contact with prison reform/struggle groups all over the US, Europe and elsewhere. If you have a specialized need for sometype of information or such, drop me (Paul Wright) a line, let me know what you're looking for and I'll see if I can help. If you publish a zine or such and I'm not on your mailing list feel free to add me to it.

By Paul Wright.

BAYOU LA ROSE  
302 North J St. Apt. # 3  
Tacoma, WA. 98403

Covers prison, native American and environmental struggle. Latest issue is filled with contact addresses.

BULLDOZER  
P.O. BOX 5052, STATION A  
Toronto, Ontario  
Canada

"Bulldozer: the only vehicle for prison reform" is a bi-monthly zine, also has "The Marionette" by Wash. state POW Bill Dunne reporting events at the Marion Fed. Pen. Great Zine.

Nuclear Resister  
P.O. Box 43383  
Tucson, AZ  
85733

Covers those in prison for opposing nuclear weapons and nuke power. Lots of info on prisoners, events, resources, etc.

FactSheet Five  
6 Arizona Ave.  
Pensselaer, NY 12144

Reviews hundreds of publications from all over the world (including PLN). Filled with information, addresses, etc. Directory of the alternative press.

Coalition for Prisoner Rights  
P.O. Box 1911  
Santa Fe, NM 67504

Monthly newsletter on events all over the US, covers legal, political developments, in prison and out.

Resistance  
P.O. Box 790, Station A  
Vancouver B.C. V6C 2N6 Canada

Covers the "illegal front" in the industrialized countries, news, communiqus, etc. also lots of news on political pris.

Behind the Walls  
P.O. Box 4187  
HALFMOON, NY 12065  
\$1.50 per issue. Has legal and other prisoner news, pen-pals, free books, etc.

Inside Information  
413 Oxcars Court  
Muirhouse, Edinburgh  
EH4 4SP Scotland

Covers prison struggle around the world. Lots of info.

Prison Book Program  
92 Green St.  
Jamaica Plain, MA 02130

Books for Prisoners  
92 Pike St.  
Seattle, WA 98101  
Both have free books for prisoners, on a wide variety of subjects: Marxism, prison, black history, etc. Write and let

them know what your interests are and they'll send you what they have. If you have old books that may interest prisoners, don't throw them away! Send them to these folks so prisoners can read them.

Prisoner Rights Union  
1909 6th St.  
Sacramento, CA 95814

Publishes the "California Prisoner" and the Inside Out series of prison litigation books. Active in lobbying too.

Black Flag  
FM Hurricane  
London, WC1N 3XX England

Journal of the London ABC, has news on prisoner and political struggle around the world.

#### BOP HOTLINE

The federal Bureau of Prisons has a special phone service for those looking for someone they believe to be held in local, state or federal prisons. Contact:

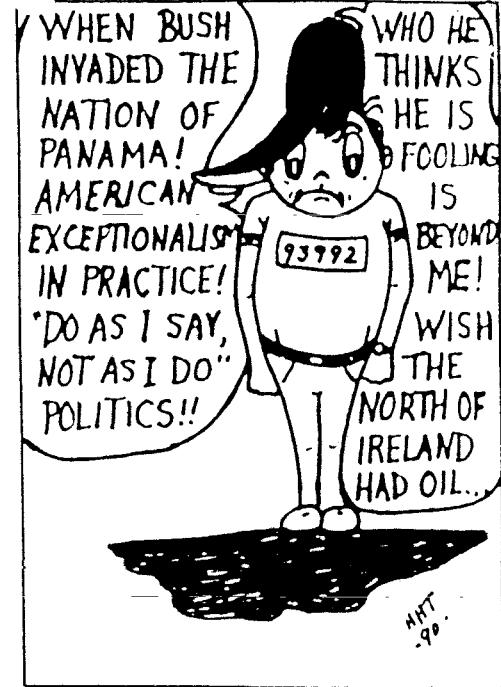
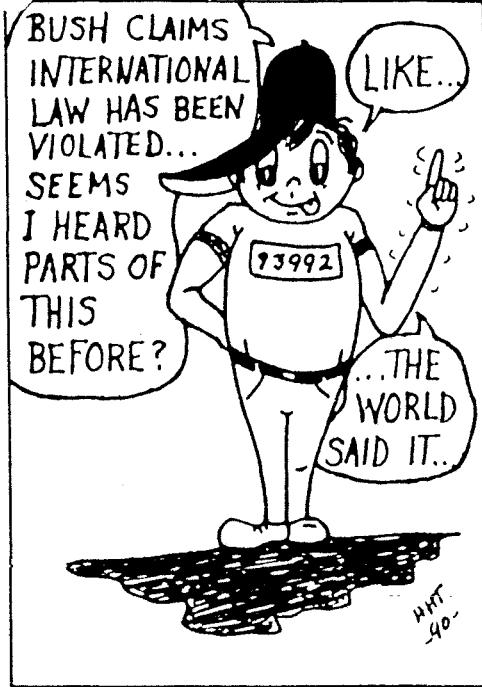
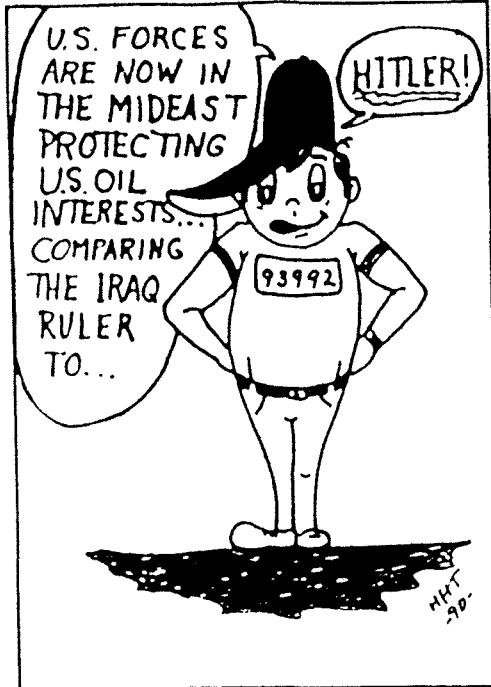
Inmate Locator Hotline  
Bureau of Prisons, Dept. of Justice  
320 1st St. N.W. Rm. 640  
Washington D.C. 20536  
(202) 724-3126 or 724-3198



#### WETMORE VS. GARDNER

At 735 F.Supp 974, is the ruling of Federal Judge Quakenbush on the states Motion to overturn the jury verdict in favor of Mr. Wetmore challenging the policy of rectal "probes" by officials at the Walla Walla Penitentiary. The jury found the policy unconstitutional and awarded nominal damages (\$4.00), Judge Quakenbush upheld the jurys findings and denied the states motion. Anyone who was subjected to one of these anal "searches" should read this case, especially if a suit has already been filed on it.

# PRISON MADNESS by HU Thompson



P.L.N.  
P.O. Box 1684  
Lake Worth, FL 33460

FIRST CLASS POSTAGE

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Prisoners' Legal News

*Working to Extend Democracy to All*

Vol. 1, No. 7

November 1990

## KLAN PAPERS GET INTO TEXAS PRISONS BUT PLN IS BANNED

Michael Lowe, exalted cyclops of the Waco Ku Klux Klan, is trying to reach some 13,500 white prisoners inside the Texas prison system. And Texas prison officials are allowing the KKK publications into their prisons. "We'll get prisoners out of their white prison clothes," said Lowe, "and into white Klan robes. I think the Texas Department of Corrections (TDOC) should like it."

A defensive TDOC spokesman, David Nunnellee, said: "We can't ban something mailed to inmates just because it is not a popular viewpoint." As it happens, the PLN has had about a dozen Texas prisoners on its mailing list since the newsletter first started, and not a single copy of any issue has made it to the prisoner-addressee. All have been banned.

We are working with Texas prisoners on joint litigation in an effort to stop the rejections. Until we are successful, our message of prisoner unity will be barred from Texas prisons, while the KKK is permitted to spew its message of prisoner against prisoner hatred and collaboration with the pigs.

## FLORIDA CORRUPTION

In May of 1989 the Florida Department of Law Enforcement began an investigation into drug trafficking by prison guards at the Martin Correctional Institution in Indiantown, Florida. After a 15 months investigation FDLE agents arrested 10 prison guards and 6 prisoners. Over 60 prisoners and 25 guards were also listed as suspects.

Prisoners allegedly paid the guard anywhere between \$200 and \$300 per drug delivery. Several guards also confessed to acting as collection agents and enforcers for prisoner drug traffickers.

This was the largest bust of this type in Florida state history. The FDLE agent leading the operation said that the state would not prosecute those prisoners serving life sentences, as it would be a waste of resources to do so.

The primary drugs introduced by the guards into prisons were marijuana and cocaine. Federal charges may also be pending against those charged by the state.

## FULLY INFORMED JURY AMENDMENT

FIJA is a national group which seeks to put laws on the books in all 50 states which will inform juries that they have the right to return not guilty verdicts if the ends of justice would not be served by applying the law in question to this particular defendant. We already see juries returning not guilty verdicts in cases of obvious state misconduct, i.e., the Barry and DeLorean trials, or where charges are politically motivated as in the Ohio-7 acquittal last year. With the increase in politically inspired prosecutions, as well as the unjust laws still in effect, this is a very important issue and one that PLN supports. For more information write: FIJA, P.O. Box 59, Helmville, MT 59843. (FIJA has chapters in 32 states, write them for information.)



## EDITORIAL COMMENTS

Welcome to issue #7 of the *Prisoners' Legal News*. As I write this issue #6 has not yet been mailed out to readers, and #5 has just been banned from the Washington State Penitentiary at Walla Walla. The warden there said "the article 'Why Racism' clearly promotes violence against prison staff and encourages riots." Paul and I were of course correct in printing materials challenging racism on the inside, but I believe we were wrong in publishing that particular article. It was a bit too emotional and contained too much pig this and pig that rhetoric. We apologize to our readers at the Walls for not exercising better editorial judgment. On the other hand, the issue did successfully make it into every other prison it was sent to. We will try to be just a bit more careful in the future.

Paul and I would like to take a moment to salute the unsung folks who make it possible for you to read this newsletter each month. First there is Janie, who, if we had titles, functions in the capacity of production manager. Janie, along with Carrie, Steve, Cindy, Jim and anyone else handy, duplicate the master copy of the newsletter, then collate, staple, fold, label, stamp and mail the paper out to readers. Rollin serves as a sort of office manager. He accepts donations, forwards mail on to Paul and me, and lets Dan know of any changes in the mailing list. If we were a "real" paper Dan would be our circulation manager. He maintains the mailing list and provides Janie with a fresh set of address labels each month.

While a lot of *PLN* readers know a bit about Paul and me, it is this core of volunteers who make us actually happen each month. Thanks to you all.

If any of our other outside readers in the Seattle area would like to help Janie and the others with the production of the newsletter, a task that requires only one afternoon a month, write to me and I will put you in touch with her. We will be needing people to help organize the hearing before the senate's Law and Justice Committee on the issue of returning computers to prisoners, and also to support our ongoing struggle against the abuses of power by the parole board. In short, we need to start building an outside support network.

There will be no letters from readers in this issue of the newsletter. The reason for this is that I want to try and print two lengthy letters, rather than a bunch of short ones. One of these letters is on the need of prisoners to educate themselves while on the inside, and the other has to do with the need to follow-up on the initiative article we printed in issue #5. These are both important subjects.

It costs Paul and I 55¢ to produce and mail out each copy of this newsletter (3¢ a page for copying 10 pages (30¢) plus 25¢ for postage). While we can't cut our production costs any further, we can reduce the number of free copies being mailed out each month. On our next issue (#8) those readers on the drop list will have the words "last issue" on their address label. The only exceptions will be those we trade zines with, control unit, Marion, and death row prisoners, or those who in other ways contribute to our production. Accordingly, if your address label on issue #8 says "last issue," you need to kick us down some money if you want to keep getting the newsletter.

Lastly, in this issue we have an article by Paul on the situation in the Middle East ("Lines In The Sand"). I'm glad he wrote the piece as I was gathering material to put one together myself on that subject. What does U.S. policy in the Middle East have to do with prisoners' legal news? Nothing. But it does have something to do with democracy, and, more to the point, helps us to meet the political needs of our readers. Democracy cannot be exercised by those who are not well informed about the issues of the day.

### SUBSCRIBE TO PRISONERS' LEGAL NEWS

If you have not made a donation of stamps or money to *PLN* please do so now. Send donations to Prisoners' Legal News, P.O. Box 1684, Lake Worth, FL 33460. Mail any submissions of articles, artwork, etc. to either:

Paul Wright #930783      Ed Mead #251397  
Box 5000, HC-63      P.O. Box 777  
Clallam Bay, WA 98326      Monroe, WA 98272  
Those located in Europe or the Middle East send financial contributions to Oxford ABC, 34 Cowley Rd., Oxford, England. Readers in Latin America, Australia and New Zealand should send donations to Toronto ABC, P.O. Box 6326, Sta. A, Toronto, Ontario, Canada M5W 1P7.

P R I S O N E R S 1 9 8 3

by: J.D. Enquist

Ask what the most common lawsuit filed by prisoners is and instinctively the answer will be the "Prisoners 1983."

The 1983 is the result of the Civil Rights Act of 1871. The statute was originally enacted by Congress under Section 5 of the Fourteenth Amendment of the United States Constitution. Known then as the Klu Klux Klan Act of 1871; later in 1970 it was codified as 42 U.S.C. §1983.

Between 1871 and 1961 the State and Federal Courts heard very few lawsuits filed by prisoners. It was known as the "hands-off doctrine." In 1871 the Court said "[a] prisoner has as a consequence of his crime not only forfeited his liberty, but all his personal rights, except those which the law, in its humanity, accords to him. He is for the time being a slave of the state." (Ruffin v. Commonwealth, 62 Virginia 790).

The death of the hands-off doctrine began in the late 1950's and 1960's, after a period in the 1940's known as the "open door policy" (in which the Courts informally looked at prisoners' complaints), the Courts began hearing a small number of complaints by prisoners filed formally as lawsuits.

The real break through for the 1983, however, came by way of the United States Supreme Court's decision in Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492 (1961), which held that acts committed by an agent of the state, even if a misuse of power, is action under "color of law." But it took another decade before the same Court decided Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974), which not only proved that the hands-off doctrine

was forever dead, but caused resentment by prison officials towards the Courts, who had dared the Courts for any reason to interfere with their prisons. The landmark decision forever changed how prisons are to be run and every prisoner owes it to themselves to read the case.

Prison officials and staff are instructed that they will win every lawsuit filed against them if three (3) things are shown: A) that the Court understands the reality of the conditions and the conduct that took place; B) that temptations of the staff to get even with the prisoner were not carried out, but that the policies and procedures were equally enforced; and C) that the staff and institution knew the minimum amount of rights that were required.

On the other hand, prisoners need to consider four (4) basic and important questions before filing their lawsuit: 1) has a Constitutional protected right been infringed upon by staff or other representatives of the state; 2) what is the institution's justification for the infringement; 3) can the institution prove that its interest is substantial enough to justify the invasion of the prisoner's rights; and 4) is there other ways in which the institution could protect its interest and yet minimized or avoid the infringement of the prisoner's rights. See: Turner v. Safley, U.S. \_\_\_, 107 S.Ct. 2254, 96 L.Ed.2d 64 (1987); Procunier v. Martinez, 416 U.S. 396, 94 S.Ct. 1800, 40 L.Ed.2d 224 (1974); and Whitney v. Brown, 882 F.2d 1068, 1074 (1989). (The fact remains, however, that prison officials do not set constitutional standards by fiat).

It is very important to note that



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1983

continued  
1983



a "negligent" act is not a claim that relief can be sought through a Prisoner's 1983. See: Daniels v. Williams, \_\_\_ U.S. \_\_\_, 106 S.Ct. 677, 88 L.Ed.2d 662 (1986) (read for the three types of due process and distinctions).

To state a cause of action under a 1983, the Plaintiff [you] must allege facts (opposed to mere conclusions) that the defendants, acting under the color of law, violated your Constitutionally protected rights. See: Haygood v. Younger, 769 F.2d 1350 (9th Cir. 1985); Hewitt v. Helms, 459 U.S. 460, 103 S.Ct. 864, 74 L.Ed.2d 675 (1983).

Remember, also, that your written materials (motions, letters, etc) are your representative - they speak for you in your absence. As a rule the reader (e.g. Court) has only your written materials to represent you. It must speak clearly, in simple non-fancy language, and adequately explain itself.

The most common mistake made by a prisoner filing a lawsuit is not understanding what it is, and prison officials who would hope that it stays that way, will instinctively resent the right to understand the Prisoner 1983.

#### A U T H O R I T Y by: J.D. Enquist

It seems that there are increasingly more and more prisoner litigants and many of them becoming jailhouse lawyers. Or as it has been suggested, Inhouse Legal Consultants or Prisoners Legal Consultants. The latter being of no importance, this article is focussed on the new prisoner litigants who have skipped over an essential element, that is, understanding what "authority" (case law) is.

The following might be somewhat of a silly example, but only because of the nature of the characters. In any case, what is important is the illustration explaining "authority."

Olympia enacts a law that "dogs cannot run wild after 11:00p.m. At 12:00 midnight a city cop sees and grabs your dog six blocks away from your house (for some unknown reason the dog did not chew off the cop's hand). Within a few minutes the cop is banging at your door and returns your dog to you. Before you have the chance to tell the cop what you think about him disturbing your sleep, he hands you a \$25.00 ticket. He tells you it's for your dog running wild. You tell the cop that your dog was not running wild.

The cop points at his watch and says that it's past 12:00 midnight, more than a hour past the time that the new law says your dog can't run wild, and that he found your dog six blocks from your house. You tell him that that might be so, but that your definition of running wild is foaming from the mouth and biting people (as you ask yourself why didn't the dog chew off his hand).

Now there is a dispute to what the words "running wild" in the new law mean. There is the cop's version and your version. The case goes to Court, the Judge decides and gives official definition to what "running wild" means. Thereafter it is AUTHORITY; it's the official definition as it applies to that law.

The essential element for the new prisoner litigant is to understand what "authority" is. As for the dog, the smell of pork was enough to make him swallow his own foam.



## LEGAL NOTES

### TRANSSEXUAL WINS HORMONES CASE

A male transsexual (born with male body but psychologically a woman) prisoner sued prison officials, claiming that denying her the opportunity to continue estrogen treatments at her own expense constituted indifference to her serious medical needs.

The plaintiff had a number of surgeries and procedures to enhance her appearance as a female, including electrolysis, a brow lift, dermabrasions, jaw reduction, a chin implant, breast implant surgery, as well as estrogen treatments. The prisoner asserted that the cessation of estrogen while in prison had reversed many of the female characteristics previously attained and had caused periods of vomiting and depression.

The court held "psychological disorders may constitute a serious medical need." The prison, the court concluded, had denied medical care through both intentional conduct and deliberate indifference, in violation of the Eighth Amendment.

The court issued a preliminary injunction to provide the prisoner with the same level of estrogen treatments she received prior to imprisonment. *Phillips v. Michigan Department of Corrections*, 731 F. Supp. 792 (W.D. MI 1990).

### LONG-TERM NEGLIGENCE MIGHT STATE A DELIBERATE INDIFFERENCE CLAIM

A state prisoner alleged that he suffered from chronic foot problems and that prison officials refused to provide him with adequate medical care, thereby inflicting cruel and unusual punishment. The trial court dismissed the complaint.

The U.S. Court of Appeals reversed for further proceedings. It held that the complaint alleged facts sufficient to prevail, if they could be proven. His claim that the medical personnel at the prison clinic refused to let him see a doctor about his foot problems, and that later when he did see a doctor, a cursory examination was done, might show intentional mistreatment. Further, the clinic's purported "repeated, long-term negligence" over a three-year period might amount to deliberate indifference, despite the fact that negligence alone is not enough to show this, absent repeated conduct. *Kelly v. McGinnis*, 899 F.2d 612 (7 Cir. 1990).

### SEVERE INJURY NOT REQUIRED FOR DAMAGES CLAIM AGAINST GUARDS FOR ASSAULT

A prisoner filed a civil rights complaint against guards for assaulting him. A jury awarded the prisoner with compensatory and punitive damages. The state appealed.

On appeal the defendants argued that the inmate had not stated a constitutional claim since he was not "severely injured." The court held that "severe injury" is not required to show a violation of constitutional rights by a prisoner. The inmate had only to demonstrate that the infliction of pain, whether slight or great, was "unnecessary and wanton." *McHenry v. Chatwick*, 896 F.2d 184 (6 Cir. 1990).

### DIGITAL PROBE COSTS NEVADA \$4,000

A U.S. Court of Appeals, noting that a digital anal body cavity search is "humiliating, degrading and uncomfortable" and that more "narrow and restrictive means could have been used," held that the defendant Associate Warden of a Nevada prison must pay an award of \$1000 in general damages and \$3,000 in punitive damages. The appeals court upheld the lower court's finding that the Associate Warden acted with "gross negligence or deliberate indifference" to the inmate's constitutional right not to be subjected to a search under these circumstances.

There was no legitimate penalogical reason for the digital anal search, the court held, since there was no reason to believe that the inmate was concealing drugs in his anal cavity. *Hill v. Koon*, 732 F. Supp. 1076 (D. Nev. 1990).

### FULL DUE PROCESS REQUIRED BEFORE TERMINATION OF WORK RELEASE STATUS

A prisoner's work release status was revoked for drug use. She was returned to prison and found guilty at a disciplinary hearing. The Court of Appeals reversed and reinstated the prisoner, holding that the due process clause itself invests prisoners with a liberty interest in remaining on work release, and that she was entitled to the same due process protections granted those who are having their parole status revoked. This included an in-person appearance before a member of the parole board.

This case was not decided on a state created liberty interest, but under *Morrissey* and its expanded protections. *Edwards v. Lockhart*, 908 F.2d 299, 303 (8 Cir. 1990).

## REVIEWS

By Paul Wright

### CLASH

This is a 40 page English language publication put out by the European Autonomous movement. This first issue has a long article on the hungerstrike by GRAPO prisoners in Spain, persecution and history of the Kurdish Workers Party in West Germany and their ongoing struggle in Turkey, plus news about squatting actions, immigration laws and such all over Europe. Definitely worth checking out. Send donation to: Ekimedia, PaulinenStr. 15a, 2000 Hamburg 36, West Germany

### EKIN

This is a nicely put together 50 page English language monthly magazine put out by a Basque Human rights group. The latest issue has an excellent section on the history and development of the Spanish prison system and its repression of political prisoners. Spain holds over 650 Basque political prisoners alone. This section puts the GRAPO hungerstrike (reported in prior issues of PLN) in a better perspective. EKIN also has articles dealing with the latest actions undertaken by Basque liberation groups in the struggle for independence from Spain, which with that of the Irish people is one of the longest in Western Europe. To my knowledge this is the only English language magazine on Basque events available. Write to: Ekin, Apt. 1005, 20080 Donosti, Spain

### ARM THE SPIRIT

ATS is a new bi-monthly newsletter, in English that covers news about political prisoners and their struggles all over the world. It also concentrates on news of actions by various militant groups and their supporters, one of the few publications to do so. Past issues have focused on the Mohawk struggle in Canada, actions by anti-apartheid groups in Holland, RAF actions in Germany, etc. Highly recommended. Write: ATS, Box 475, 253 College St, Toronto, ONT, M5T 1R5, Canada

### NO VOICE IS LOUDER THAN THE VOICE OF THE UPRISING

This is a 278 page, English language book that reprints all the communiques and messages by the collective leadership of the Palestinian Intifada. The "calls" are issued weekly or bi-weekly and its possible to see the building of a popular

resistance movement to the Israeli occupation of Palestine. Many of the calls deal with or are in support of the thousands of prisoners held by the Israeli army. If you want to go behind the headlines in the daily news you should check this book out. Available from: Democratic Palestine, Box 30192, Damascus, Syria

### FREE SUPREME COURT OPINIONS

The new term for the US supreme court started on October 1, 1990. The Court offers free copies of its decisions for each term to interested parties. This applies only to decisions in this term, there is a limit of 5 decisions per request, be sure to include the title and, if possible, docket number. Write: Public Information Office, Supreme Court of the United States, Washington D.C. 20543 (202) 472-3211

### A MOTHER'S STORY

By Shirley Dicks

My son is on death row for a crime he did not commit, and time has almost run out for him. I am trying, somehow or somewhere to find help for him.

My son was with his friend Donald Strouth on the day of the crime in 1978. He was outside in the car when Strouth went inside the store and killed the shopkeeper. My son didn't believe he was going to rip the store off as he had told him. When he saw blood on his pants, he knew something had gone down and he called me. I picked him up and he told me what had happened, Strouth had robbed the man and killed him.

Jeff turned himself in and gave a statement without an attorney. They told us he didn't need one, and we had no reason to doubt their words. Jeff told the truth: that he was there, outside in the car, but had taken no part in the crime.

The boys were tried separately. At Strouth's trial, his girlfriend said that Strouth told her he hit the man on the head and slit his throat. That Jeff froze up on him. Strouth's friend testified that Strouth said he had killed a man and his partner froze up on him. They proved that Strouth bought a car with the money from the robbery and Jeff had taken none of it. At this trial a doctor testified that the victim had been lying flat on the ground, Strouth stood over him and slit his throat which is the way the blood splattered up on his pant legs. They had his blood stained jeans, his girlfriend had taken police to where they had buried them.

At Jeff's trial, the prosecution said that Jeff went inside the store, and hit the man on the head with a rock. The same doctor said that a man could have been holding the victim's head when his throat was cut. In the first trial, he had said Mr. Keegan (the victim) was unconscious and lying prone on the floor as there was no blood on his fingers and no sign of struggle and the blood on Strouth's jeans was consistent with the blood spurting upwards from someone on the floor. He completely changed his testimony. The jurors didn't hear testimony from Strouth's girlfriend, it was called hearsay evidence. The judge told her she could not say anything Strouth had told her, which was that he alone committed the crime.

They said the boys were running through an alleyway, yet both boys said they were in the car. Neither had seen the other since the crime had happened. The police said there were 2 sets of footprints, yet no pictures came out, the camera malfunctioned after 3 rolls of bloody prints of the victim.

They did not take casts of the so-called footprints, as is normal procedure. Police waited several weeks before trying to take photos of the outside crime area. My son was willing to pay for being there, but he is not guilty of the robbery or of the murder, had not been in trouble before and he was railroaded because I didn't have the money for a good defense for him. In fact, I have harmed him by the things I did trying to free him from being murdered by the State of Tennessee. I wrote bad checks to pay an attorney, sold my home, tried a jailbreak and it only hurt him in the long run.

I have a letter written by Jeff Blum of the Resource Center written in 1986 to my son where he says he knows from Strouth's own mouth that Jeff is innocent, but unless he gets an attorney, he will die.

I have written to thousands of people over the years, but no one can help us. Jeff will die this year if something isn't done. I wrote a manuscript on our story, but no one will read it or make a movie out of it. I had hopes of someone seeing it and helping him. I have written to every famous attorney that I could think of, but to no avail. He still does not have an attorney and we are in the last appeal.

Time is running out for my son. I have started getting signatures on petitions to send to the governor asking him to spare Jeff's life. Perhaps you can be of help in this area by having people write to the

Governor. I ask that they write to the governor, put it in an envelope and then put it in another envelope addressed to me, and at the right time I will forward all of the letters to Governor McWherter. I hope you can be of help to us and save my son's life.

Governor Ned McWherter  
State Capitol Bldg.  
Nashville, TN. 37219

Send to:  
Shirley Dicks  
P.O. Box 321  
Murfreesboro, TN. 37130

#### WAREHOUSES OF MISERY

By Wm. Daniel Ravenscroft, esq.

What has our prison system really come to? Nothing more than a giant machine gobbling up human beings then spitting them out without the slightest concern for the collateral consequences.

The California prison system has over 90,000 inmates and the rate of incarceration and recidivism is absurd. Aside from this, it appears that our legislature is on a collision course to "try to provide prison beds for offenders" when in fact, all they are really accomplishing is the establishment of human warehouses of misery. This obviously pleases the citizenry, but the end result of the products produced within the prison system is something that seriously needs to be addressed.

In the recent Blue Ribbon Commission Report on inmate population management, the major findings indicated the predominant conclusion that "the criminal justice system in California is out of balance and will remain so unless the entire state and local criminal justice system is addressed from prevention through discharge of jurisdiction."

The commission also concluded that in 1994, lacking significant changes in correctional policies and practices, when the currently authorized construction is completed, prisons will be more overcrowded than they are today (168% vs. 189%) and the jails will only be slightly less overcrowded given the current population projections.

We simply cannot build our way out of the rising crime rate. The prison overcrowding problem should be solved through an approach involving changes in sentencing practices, adoption of a Community Corrections Act, changes in corrections practices such as parole revocation procedures and additional

construction of prisons, jails, youth facilities and community corrections facilities as necessary.

Finally, it appears that the citizenry of America is so preoccupied with the factors of isolation and retributive punishment, that there is nearly a universal failure to consider much needed alternatives to provide for rehabilitative and preventive factors that assuredly would be cost effective. [Mr. Ravenscroft is the executive director of Legal Associates West, an internationally networked legal research advocacy with membership in a wide range of professional and criminal justice organizations.]

### LINES IN THE SAND

By Paul A. Wright

As we go to press several hundred thousand American soldiers are waiting in the desert of Saudi Arabia. I expect that before too long they will be attacking Iraq or Iraqi troops in Kuwait.

It cannot be said that US troops are there to defend "democracy", after all, these are some of the most reactionary, feudal monarchies in the world where women can't drive, no one votes and there is no free press and the wealth is controlled by a family of monarchs put in power by British imperial forces over 70 years ago.

After World War I ended Britain and France carved up the middle east and drew arbitrary borders and installed puppet regimes favorable to their commercial interests. Iraq decided that it would invade Kuwait to reassert what it considers to be its historic right to Kuwait. The same imperial powers who drew the lines in the sand 70 years ago are back to ensure they are not meddled with.

All of a sudden George Bush decided that Saddam Hussein isn't such a nice guy after all. Only days before the invasion of Kuwait the Bush administration had lobbied against trade sanctions against Iraq for its dismal human rights record. Where was Bush when Iraq attacked Iran? Only 4 years ago the US intervened in the Iran-Iraq war to help Iraq stave off an Iranian victory. No one said anything when Iraq gassed thousands of Kurds fighting for independence. Now all of a sudden Mr. Bush is filled with concern about the Kuwaiti monarchies "right" to rule.

Where is Mr. Bush's outrage about the fact that Israel is occupying land belonging to 4 of its neighbors? In 1982 we saw the Israeli invasion of Lebanon with the holocaust of

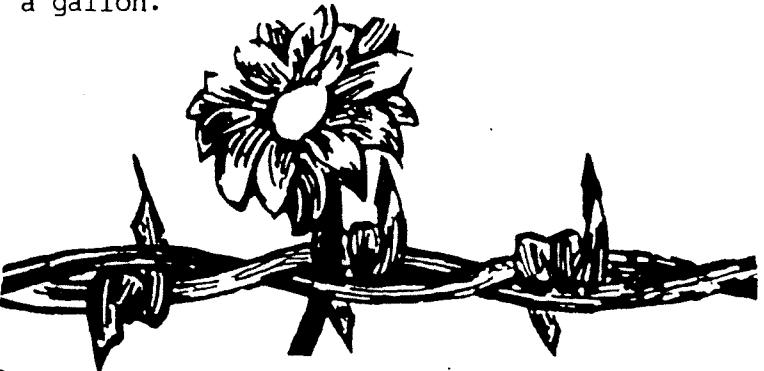
Beirut. All done with US weapons no less. Mr. Bush was also silent when South Africa invaded Angola and its attacks on neighboring countries. Less than a week after the invasion of Kuwait Indonesian forces launched a massive offensive in East Timor which they have illegally occupied since 1975 with US and Australian military support.

Much is made of the Arab forces that are operating in cahoots with the US in Saudi Arabia: Morocco, with its 15 year war and occupation of the Polisario still going on; Syria (until 2 months ago a "terrorist state") with its 40,000 troops occupying Lebanon; and Egypt looking for a forgiveness of its 7 billion dollar military debt.

Much is said about Iraq's Western hostages yet tens of thousands of poor Asian workers are in miserable conditions in Jordan with little assistance from the West. Little reported is the fact that Israel has its own hostages, in the event of war with Iraq it will only issue gas masks to the Jewish population and not to the Palestinians in Israel or the occupied territories.

Uruguayan Writer Eduardo Galleano wrote that places blessed by nature are damned by history. That's the case with events in the gulf now. It has nothing to do with "freedom" or "democracy" but everything to do with what the US sees as its right to cheap oil, ignoring the fact that it's not "our" oil. The US is in no position to preach to Iraq, not after its recent invasion of Panama and Grenada, the terror bombing of Libya, etc. The vast majority of troops now stationed in Saudi Arabia are members of the working class, the class that bleeds the most and gains the least in these wars of conquest. We don't see George Bush's sons ready to fight for cheap oil, and we know where our illustrious vice-president spent the Viet-Nam war.

I haven't written this as a defense of Iraq's invasion; which I don't support, but because I'm tired of this war mania where those who cheer the loudest for war are those who aren't sending their sons and daughters to bleed in the desert for gas at a dollar a gallon.



## LET'S GET EDUCATED

I liked the PLN's proposal concerning getting outside people and prisoners together to lobby the legislature to change the laws in that state. I have done similar work here (in New York), to the point of actually writing a legislative bill and having it sponsored in the N.Y. Assembly.

What is also extremely important, and (a subject) I would like you to address in the newsletter, is the report that Black males are more rapidly entering prison than enrolling in college. I would very much appreciate it if you would make a call to all progressive elements, both inside and out, to encourage and demand Black and all other "correct thinking" prisoners get their GEDs and enter college programs and studies.

Our future depends on having well educated and literate comrades, capable of building and sustaining progressive political movement. We need those who will be able to establish alternative education programs, a new generation of revolutionary and progressive lawyers, folks who will challenge status quo politicians in the political arena, and social scientists and economists who can help to evolve a new world economic order.

We must be able to recognize revolutions take years, and sometimes generations to accomplish the task. That reforms and survival programs (pending revolution) must develop into a tactical equation within a revolutionary strategy. Our task is to save those who can be saved and to evolve a new generation with the intelligence and mental acumen to lead the masses to national liberation and salvation.

In these days and times, ignorance, drugs and poverty are the malignant ills of a society spawned by racist capitalism. And these ills make the efforts of revolutionaries that much more difficult. In their ignorance and level of abject poverty, the masses are more apt to fight amongst themselves for the few spoils of the system. They must be educated as to who the real enemies are, and this ultimately means such education must be calculated in a formula for revolution.

It is incumbent upon revolutionaries to ensure our young and impoverished are in fact educated. Unfortunately, we do not have in place an alternative educational process, but we are capable of

using what we got to get what we need. We should be in the forefront of compelling prisoners across this entire country to not come out of prison the same way you came in.

Like your computer (ownership) program for prisoners serves a purpose to make prisoners computer literate, and with psychological motivation for development, we may produce ex-prisoners capable of building the programs necessary to off-set the levels of suffering people are confronting in the Black and poor communities.

Therefore, while it may be reported more Black men are entering prison than those entering into college, in four years we want to be able to report more men in prisons have earned college degrees than all colleges across the country. Let's turn these prisons into universities of learning, and produce a new generation of progressive activists and revolutionaries. We will have fighters with the complimentary street wisdom, academic know-how, plus penitentiary survival technique to challenge the system on a new level of struggle!

Jalil M., Attica

## THE INITIATIVE PROCESS

The PLN's coverage of the "initiative" idea was good, but I don't think it left anyone feeling any less powerless than they were before. This (legislative initiative) is going to take a lot of push. People on the outside are still in the dark about what to do.

I think two things need to be done with this project. First we need to have some outside citizens groups working to reach the voters in the communities we can't get to through our families.

Second, we need a clearinghouse for people who vote, but either won't take any further action on their own or just aren't sufficiently motivated -- even with loved ones behind bars. So this "clearinghouse" could be HQ for this project (something as simple as a family member's address) where votes or pledges or contacts via phone or letter can be received and questions answered.

Another article or a "special edition" of the PLN devoted entirely to this project will need to be done in the near future.

(Continued on next page)

INITIATIVE (CONTINUED)

Sure, it's great and wonderful and nice to say we have until 1992 to organize on this, but who is going to take the actual steps to do any organizing? I think the motivated individuals capable of such organizing are already involved in this. If we are serious at all about this project then we have to be the ones to do it, to put it all together, because if we don't no one else will.

I do not know much about the initiative process and how it works. It could be something very simple. But still, someone has to initiate, carry the word, distribute our information, complete the forms, etc. My point is that what ever needs to be done,

we prisoners need to think in terms of doing it ourselves, and not waiting for or hoping some others will come forward to do it for us. This is our project. Our only material strength is in organization. We need to have actual and active organization.

Maybe something along the lines of a "Prison/Community Alliance" which would meet once or twice a month around projects that would link up people on both sides of the walls. Such a group could be a clearinghouse for all kinds of projects, and the initiative process could be a focus for the present. Let's hear from people on this!

M.R., Shelton, WA

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# Prisoners' Legal News

*Working to Extend Democracy to All*

Vol. 1, No. 8

December 1990

## MAGISTRATE RECOMMENDS CONTINUED SINGLE CELLING AT REFORMATORY

There has been a long and bitterly fought struggle by prisoners at the Washington State Reformatory to enforce a consent decree mandating single celling.

The consent decree is a product of a 1978 civil rights complaint filed by Evergreen Legal Services. The suit raised a number of issues relating to conditions at the Reformatory, one of which was the mandatory double bunking then being practiced.

In 1981 a consent decree was entered into between prisoners and prison officials that would limit the population to the prison's single cell capacity. Shortly after the suit had been settled, however, the state filed litigation aimed at killing the single celling provision. In response to these efforts the federal district court held that WSR officials were contractually bound to the agreement, and this holding was upheld by the U.S. Court of Appeals.

The state next implemented a series of dilatory tactics to keep from ending the two men to a cell still being practiced. They'd go into court pleading one emergency situation after another. Finally they had so much unused cell space they entered into the rent-a-cell business with the federal government and other states, farming out some 200 WSR beds rather than honoring the formal agreement they had entered into.

WSR prisoners filed a demand in the court that the consent decree be enforced. This was won, but not until after much addition litigation, including another trip to the U.S. Court of Appeals. Today Reformatory prisoners are single celled, although they have not been too secure in that arrangement. The state had once again sought to overturn the agreement and prisoners were not certain as to how it would turn out. Today the outcome is all but certain.

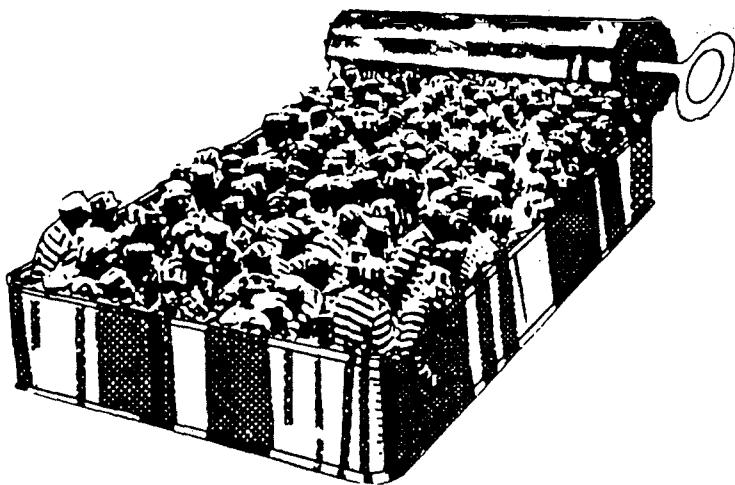
[Continued on next page]

## DEMONSTRATION AGAINST DOUBLE BUNKING AT TWIN RIVERS PRISON

About a dozen members of the outside community held a demonstration in front of the Twin Rivers Correctional Center on October 21st. The protest was sponsored by the Ethnic Minority And Prison Task Force (P.O. Box 667, Edmonds, WA 98020), and was called in an effort to draw attention to the following areas of concern:

1. The mandatory double bunking of T.R.C.C. prisoners.
2. The overall bias and mistreatment of prisoners, especially the African-American population.
3. Administrative impediment of outside volunteers and programs.
4. Abuses in the use of administrative segregation.
5. Poor medical services.

While prison officials at T.R.C.C. refused to meet with protesters or to otherwise discuss the issues involved, word of the action reached prisoners at both T.R.C.C. and the nearby Reformatory. News of the demonstration substantially raised the spirits of prisoners at both institutions.



## SINGLE CELLING [Continued from page 1]

On October 16, 1990, the U.S. Magistrate in Seattle issued a recommendation rejecting the various claims advanced by state prison officials. These recommendations will go in front of Judge Rothstein, who will almost certainly sign them into law. The state will of course appeal, but their efforts should once again end in failure.

For all practical purposes the case is over and done with. The state has shot its wad. Their next legal moves will not be part of a live controversy, but rather a form of rigor mortis associated with a dead litigation.

While the struggle on the legal front is all over but the shouting, prisoners should expect the state to continue fighting on other fronts. The move to enforce the consent decree was nearly not filed because prisoner-leaders voted not to question mandatory double bunking. It was only when the votes of the club heads were publicly posted that they finally voted in accordance with the wishes of the population. Only the Black Prisoners' Caucus consistently voted against mandatory double bunking, the others had to be shamed into it.

The state's next ploy may be a bit less heavy handed. Instead of mandatory double bunking they will come with a gift in one hand and a club in the other. They will be asking for just a **few** cells, for your comfort. But a little bit of double bunking is like being a little bit pregnant--there is no such thing!

Barring a fluke of some sort, the only way WSR prisoners can be doubled up is if their future leaders sell them out by agreeing to a modification of the consent decree. This must never happen. It would be an outrage in the face of the many sacrifices made by WSR prisoners over the past dozen years, and it would be a crime against the future generations of prisoners who will be serving time at the Reformatory.

By Ed Mead

## THINKING ABOUT WOMEN

By David Gilbert

On the streets I had women on my mind all the time, but that was nothing compared to being in prison. On many nights I lie in my cell just thinking about women--missing loved ones, remembering times together, and dreaming about the future. A big part of the punishment of prison is separation from women.

Prison is not a natural environment. For some guys, who came in as youngsters, their

main impression of women comes from "short-ice" magazines. But in real life real women don't usually sit in provocative poses, ready to do our every bidding, with blank expressions on their faces and nothing in their minds. While they can certainly appreciate sexual love, real women also have minds, feelings, and goals of their own.

Sexual desire is only natural; the conditions of prison make the longings particularly intense. But sexuality is only one of the important ways we miss the women in our lives. We also miss their intellect, their companionship, their spirit, and their laughter. If we reduce women to "sex objects" we reduce ourselves to "sex maniacs." Some guys try to be lovers with every woman in the world (which they can't possibly do) and miss the opportunities for solid friendships that can enrich our lives.

The isolation of prison is hard. Often we wish that our loved ones would visit and send packages a lot more than they do. But it works both ways; we frequently show little appreciation of the difficulties experienced by our people on the outside. Raising children can be the most demanding job on earth, and economic survival out there can be rough. We need to have enough heart to appreciate what our women are going through out there.

Our deepest responsibility is to look out for the children. There are serious problems that threaten their well-being and their future: racism, poverty, drugs, wars, destruction of the environment. We will never overcome these grave problems if we disregard the intelligence, talent, and compassion of one half of the human race.

We reveal a lot about ourselves in how we treat other people. A person who can only feel strong or important through dis-respect for others based on their race or sex is a person with a weak sense of self-worth. As men, as human beings, we want to be treated with respect. Women, as human beings, want no less. If we show respect and appreciation for the women in our lives, it will also make us better men.



## FROM THE EDITOR

Welcome to issue # 8 of PLN. If your mailing label says "last issue" this means that you have not made any donations to PLN or assisted us in production. (Note: this applies only to US readers). We do not expect donations from prisoners in control units, death row or Marion. We are prisoners ourselves and know what it is like trying to make ends meet. However, we aim for PLN to be self sufficient and pay for itself, whenever there is a shortfall we have to make it up out of our pockets. It costs 55¢ per issue to print PLN and get it to you we have come out on a pretty regular basis and we haven't denied anyone a few issues because they didn't donate or contribute.

Periodically we need to trim our mailing list of those who don't contribute in order to save funds to keep getting PLN to those who do want to get it. So if this is your last issue and you want to keep on getting PLN you need to send our publisher a donation, we don't charge a subscription rate because we realize that not everyone can afford to make a donation (i.e. control unit prisoners), some can only afford a little and others can afford more. So if you can afford to donate more remember that your donation subsidizes PLN for those in a position that can't donate.

In our last issue we thanked the people here in the US that make PLN possible. Some of our readers may not know it but we have readers in 20 countries besides the US. This is made possible by the efforts of Amaro at Toronto ABC who is kind enough to print and mail PLN to readers in Canada, Asia and South America. And we also have to express our thanks to Paul Rogers at Oxford ABC in England who has done a great job getting PLN to our readers in Europe and the Middle East. Without their help we wouldn't be able to afford sending PLN overseas, so they make it possible.

If you are moved to a new prison please let us know as soon as possible as some gulags won't forward PLN and it is returned to us.

Prisoners in the Shelton IMU were denied issues 4 and 5 of PLN with no reason being given, a plain violation of WAC and DOC policy. After protesting this illegal denial issues 6 and 7 were returned on the grounds they did not have the readers DOC number on them, despite the fact that one of them plainly did.

We have written to both Chase Riveland (head of the DOC) and WCC warden Peterson protesting these events. If that does not resolve the matter we will pursue a court challenge to this censorship.

In PLN we have reported on quite a few civil rights cases. I would like to take this opportunity to let our readers know that we welcome news of any actions pending in the courts that you may have which would affect others, also if you need affidavits from similarly affected prisoners and such we can give that a blurb, it often turns out that prisoncrats have been sued over and over again for the same actions or have done similar actions to other prisoners. PLN is now entering every med/max prison in Washington state and many others across the country.

You are encouraged to send us articles, art, news of what's going on in your gulag, etc. Inquiring minds want to know!

On a closing note, I do the reviews that appear in PLN. Virtually everything I review is free to prisoners and I think it's relevant to prisoners. With our small size we can't meet all of our readers political and informational needs, so what I try to do is let people know where they can go for more information. I strongly believe that knowledge is power and though are bodies are in cages of steel and concrete our minds are still free. Our captors seem to agree with this too or else they would stop censoring PLN and other similar publications. If you know of any prisoner related materials I haven't reviewed yet let me know about it.

By Paul Wright.

## SUBSCRIBE TO THE PRISONERS LEGAL NEWS!

If you have not made a donation of stamps or money to PLN please do so now. Send such contributions to Prisoners' Legal News, P.O. Box 1684, Lake Worth, Florida 33460. Mail your submissions of articles, artwork, etc. to either:

Paul Wright #930783 Ed Mead #251397  
Box 5000, HC-63 P.O. Box 777  
Clallam Bay, WA 98326 Monroe, WA 98272

[If you are located in Europe or the Middle East send financial contributions to Oxford ABC, Box ZZ, 34 Cowley Rd., Oxford, England. Readers in Latin America, Australia and New Zealand should send their PLN donations to Toronto ABC, P.O. Box 6326, Sta. A, Toronto, Ont., Canada M5W 1P7.]

## CBCC LEGAL SERVICE SCAM

By Paul Wright

On October 26, 1990, some 42 prisoners at CBCC showed up for what had been purported to be a "legal seminar" by Jean Schiedler Brown. It got started a half hour late at 10 AM. It turns out Ms. Brown and her associates were not going to answer any questions but merely make a video, supposedly for prisoner viewing in the library. It was pointed out that prisoners are not allowed to watch video's and the existance of such videos had until now been kept from CBCC prisoners. The show went on.

Ms. Brown covered basic researching of legal materials. It is worth noting that the DOC already has video tapes (a 3 part series) on doing legal research prepared by the DOC and DSHS; staff at WSR have offered to provide them to CBCC and that was refused.

After Ms. Brown stated that no personal questions would be answered and prisoners were expected to just sit there mute while the video was made over half those present left at 10:10. Several prisoners present complained that letters to Brown had not been answered in months.

Mr. Howard Comfort spoke about prison "grievances", including the DOC grievance system (incoming prisoners receive an orientation from each prisons grievance coordinator on this). Mr. Comfort cited at length about the provisions for prisoners found in WAC 289. That was fine and dandy except that it appears Mr. Comfort did not research the matter very well as WAC 289 applies only to county jail prisoners. Those of us in DOC custody are covered by WAC 137.

One prisoner had a copy of the DOC contract with Brown and Associates which shows the firm was paid over \$21,000 last year for "services rendered". When asked what services had been provided Ms. Brown told the prisoner it was "none of your business". It has been suggested that a claim could be stated in state court based on contract law where the CBCC prisoners are supposed to be 3rd party beneficiaries of this contract.

Presumably the video came out well, I don't see why it wasn't made in their offices in Seattle and mailed to whoever keeps these videos at CBCC, the effect would be the same.

## SORE LOSER

Right now the US government is claiming to be outraged by "violations of international law" on the part of the Iraqi government. This is a classic case of the pot calling the kettle black.

In 1986 the World Court in the Hague found the United States guilty of financing and directing it's proxy war against the Sandinista led Nicaraguan government. The Nicaraguan government claimed \$18 billion in damages brought on by Ronald Reagan's policy of pillage and banditry that left over 40,000 dead Nicaraguans.

After the World Court entered it's verdict in the lawsuit the US announced that it would not recognize the verdict nor the court's findings. The US stands alone as the only country to come before the world court and then ignore it's verdict.

Right now the Bush administration is pressuring the government of Violeta Chamorro into dropping the suit in exchange for \$300 million in "aid". This has met with stiff resistance in the Nicaraguan assembly from the Sandinista party.

## CHILEANS STILL IN PRISON

Last December many thought that the elections that brought the formal end to the military dictatorship of General Agusto Pinochet (installed in a 1973 CIA assisted coup against the elected government of Salvador Allende) would curtail the massive human rights abuses that characterized his regime. Despite the promises of Chile's new president over 300 political prisoners remain in prison.

The military and police still effectively rule Chile and it is unlikely any of the prisoners will be released soon. Just as it is unlikely that any military or police officials will ever stand trial for the murders and tortures committed during the dictatorship.

The prisoners are united and have refused deals that would only release some and leave others from other political groups. The prisoners also demand that officials who have murdered and tortured prisoners be tried and punished. The military has responded by falsely charging many prisoners with serious non-political crimes to keep them in prison. Few of the prisoners have even had trials or any type of judicial process to begin with.

For more information write:

Maria Gajardo

Casilla # 9560, Central de Casilla  
Santiago, Chile

## COULD SENDING PEOPLE TO PRISON ACTUALLY CAUSE CRIME?

By Ed Mead

According to the U.S. Justice Department's Bureau of Justice Statistics (BJS), the nation's state and federal prison population increased by 42,862 prisoners, or six percent, during the first half of 1990. BJS director Steve Dillingham said: "The annual increase of more than 80,000 inmates from midyear 1989 to midyear 1990 was the largest annual growth in 65 years of prison population statistics." The increase in the percentage of women being sent to prison continued to outpace that of men, reaching 7.1 percent for the first half of the year. In Washington State, from mid-1989 to mid-1990, the percent of increase in the state's prison population was a whopping 16.0 percent. Nationally, the number of prisoners per capita reached a record 289 persons incarcerated in state and federal prisons per 100,000 U.S. residents.

Columnist Herb Robinson, writing for the Seattle Times, reports that the percentage of felons sentenced to alternatives to confinement has decreased from 25% in 1982 to only 7% of all felons in 1988. Robinson said "If present policy directions were correct, there'd be less pressure for building ... more prison space. Plainly, the policies now in place are not working."

How do we measure whether the existing correctional policies are working? One good means is by checking the crime rates. If locking more and more people up for longer and longer periods of time had some positive benefit there might be some justification for arguing for a continuation of a failing system of corrections. But are people in fact any safer today? The latest FBI statistics show that murders in the largest U.S. cities jumped by 20% during the first six months of 1990, and the percentage in Seattle was considerably above the national average. The Uniform Crime Rate Report also shows that during the same period rape and assault were up by 10%, and robbery was up by 9%. These increases boosted the overall violent crime index rate to 8% higher than the same period last year.

An argument could be made for the ridiculous proposition that prisons are the cause of crime. The more people you put in them the more crime there is! Today we have some 1.2 million Americans, more than the population of San Diego (the nation's sixth largest city), locked up behind bars. And the count is jumping at record rates.

At the present rate of growth in the national prison population, warns Warren Cikins of the Brookings Institution, more than half of all Americans will be in prison by the year 2053. [U.S. News & World Report, 10-22-90, p. 22] The other half of the population will presumably be working in the burgeoning corrections industry.

Crime is not of course caused by prisons, even if these institutions do work to perpetuate it. Crime is rooted in a decaying social system and the poverty, discrimination and rage it creates. Collapsing social systems, from slave-holding Rome to feudal London, have traditionally relied upon more and more repression as the means to maintain their order. They could not see crime as a mere symptom of a deeper malady.

In seventeenth century England the intensity of repression grew until at one point such modest offenses as chopping down a tree on a public lane, killing a rabbit, or the picking of a pocket were all capital crimes. The fact that such intense levels of repression were not at all effective was lost on the feudal ruling class. Indeed, pickpockets would be diligently picking the pockets of the crowd who had gathered to witness the execution of a pickpocket.

Our capitalist ruling class, like its feudal predecessor, will ultimately pass into the dust bin of history. But between now and then there is much work to be done in the direction of educating the public. We on the inside, and our loved ones on the streets, are the only people capable and positioned to communicate these realities. Yesterday the forces of repression were targeting sex offenders. Today they are doing the same thing to us. Tomorrow they will be doing to the community what they are doing to us. We must put people on their guard.

...When people walk on each other, when disharmony is the norm, when organisms start falling apart, it is the fault of those whose responsibility it is to govern. They're doing something wrong. They shouldn't have been trusted with the responsibility. And long range political activity isn't going to help the man who will die tomorrow or tonight.....

-GEORGE JACKSON

## PRISONERS' 1983 SUITS

By J.D. Enquist

This is part two of the article **Prisoners' 1983**. It will be written from a somewhat different slant; your due process rights as protected by the Fourteenth Amendment.

Prison employees are taught that in order to be effective they must view all prisoners as dangerous, scheming, conniving criminals who must be subjected to close surveillance and domination. The staff is told that they cannot just watch and wait, for that would give the prisoner an opportunity to react in a thought-out and organized manner, thus contributing to a greater willingness on the part of prisoners to defy institutional rules.

Staff members are taught that domination of all individual prisoners is important; this means they must show their authority in the making and enforcing of rules. Thus, while you are on your way to the yard, the staff member will say "Don't slow down, keep walking," or "That's right, keep walking," to the prisoner who never so much as thought of slowing down. The staff will often use this ploy to incite a reaction, so he or she can infract the prisoner.

Because the guards who are in charge of the disciplinary hearings are generally sergeants and lieutenants, many lower ranking guards are eager to write infraction reports against prisoners. They believe it demonstrates how alert and in control they are to their superiors.

Because prisoners are scheming and conniving criminals, it is justified to alter an infraction report to fit the alleged incident and the violation. What's important is that staff is able to show domination over a prisoner by writing an infraction report.

The guard hearing the infraction is likely to find the prisoner guilty rather than not guilty, because they believe that the line staff's moral will suffer if their reported infractions are dismissed as having no merit.

An added problem is that many sergeants, lieutenants and higher-ups often gain their rank because they have shown loyalty to their superiors (most likely a clique of staff who are the true body running the prison), rather than because they are truly qualified for the promotion. Because the unqualified staff cannot, by reason of indifference or ignorance, perform the duties necessary for a well run prison, this loyalty without moral reason contributes to a greater willingness by staff to be scheming, conniving and corrupt cops.

It is for this reason that it is important for us to read, and understand, those institution rules that can result in an infraction and those constitutional rights that we do have. We should know the content of the rules, in terms of what they are, and how they relate to the constitution.

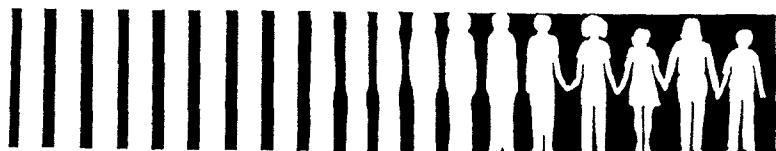
Interference of our constitutionally protected rights should be challenged and may result in a successful **Prisoners 1983** action.

Probably the right most confusing to prisoners and just maybe the one most often violated by staff, is the right to due process of law. It is not a wonder this is so, since "due process" is not a right neatly contained in a simple and easily read package. Undisputedly, due process in one form or another touches on every aspect of your imprisonment.

In Daniels v. Williams, 474 U.S. 327, 106 S.Ct. 677, 88 L.Ed.2d 662 (1986), the U.S. Supreme Court explained those due process rights afforded to prisoners. For example: "Second, it contains a substantive component sometimes referred to as 'substantive due process,' which bars certain arbitrary government actions 'regardless of the fairness of the procedures used to implement them.' ... Third, it is a guarantee of fair procedure, sometimes referred to as 'procedural due process:' the state may not execute, imprison, or fine a defendant without giving him a fair trial, nor may it take property without providing appropriate procedural safeguards." You owe it to yourself to read the entire case.

Officially, staff are taught to act professionally. Each of us can cite incidents in which this did not happen. But it is likely that the biggest violator of our constitutionally protected rights are not solely the staff. We have a right to fair and advance notice, Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974); we have the right to adequate access to the courts, Bounds v. Smith, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977); and we even have a right to expect the staff to follow their own rules, Morton v. Ruiz, 415 U.S. 199, 94 S.Ct. 1055, 39 L.Ed.2d 270 (1974), see also Caldwell v. Miller, 790 F.2d 589 (1986).

What are we doing about it?



## LEGAL NOTES

### State Liable For Delay In Diagnosing And Treating Prisoner Injury

A New York state prisoner slipped on a wet flight of stairs and injured his right knee. During the next  $3\frac{1}{2}$  years he continuously complained to prison officials of pain, swelling, and grinding of his injured knee. He was treated with ace bandages, corrective shoes, braces and painkillers, but continued to suffer until he was finally diagnosed as having a torn meniscus and ligament injury.

He sued the state for personal injuries arising from medical malpractice. The trial court awarded him \$100,000, including \$35,000 for past pain and suffering and \$65,000 for future pain and suffering.

On appeal the award was upheld. The court found that the failure to diagnose the condition resulted in an unreasonable delay in proper treatment. Expert testimony revealed that an arthrogram test would have found the condition, which required arthroscopic surgery to relieve the pain. The delay in diagnosis was unreasonable, and constituted medical malpractice.

This was a New York state case, and not a federal ruling. Under federal law a state prisoner must demonstrate more than mere negligence and malpractice; he must show a "deliberate indifference" to his serious medical needs. *Stanback v. State*, 557 N.Y.S.2d 433 (A.D. 1990).

### Fifth Circuit Adopts Reactionary Standard In Excessive Force Claims

A state prisoner filed a civil rights complaint in federal court against two guards who assaulted him during a cell search. The convict received an elbow fracture during the struggle. The trial court dismissed the excessive force claim and the prisoner appealed.

In upholding the dismissal, the U.S. Court of Appeals for the Fifth Circuit adopted a new and very backwards standard for assessing Eighth Amendment excessive force claims. In order for a plaintiff to prevail he must be able to prove: (1) A significant injury, which (2) resulted directly and only from the use of force that was clearly excessive to the need, the excessiveness of which was (3) objectively unreasonable, and (4) the action constituted an unnecessary and wanton infliction of pain.

The court held there was no "wanton infliction of pain" and thus the claim was properly dismissed. *Huguet v. Barnett*, 900 F.2d 838 (5 Cir. 1990).

### Making Cons Work Without Pay Does Not Constitute Involuntary Servitude

Four prisoners sued prison officials for placing them on administrative segregation status for refusing to work without pay. The court dismissed the complaint as frivolous.

The judge noted that the thirteenth amendment prohibits involuntary servitude "except as punishment for crime." Because the prisoners have been convicted of a crime and are serving a sentence of punishment, they may not make a 13th amendment claim.

Further, the court held, placing the men in ad seg for refusing to work did not violate the Eighth Amendment. The restriction or forfeiture of certain privileges is a rational technique for handling the problems presented by an inmate's unreasonable refusal to do assigned work, the court said. *Mikeska v. Collins*, 900 F.2d 833 (5 Cir. 1990).

### U.S. House & Senate Pass Watered Down Version Of Crime Bill

In a last-minute effort to get out of town, the U.S. House and Senate quickly worked out differences over their respective versions of the 1990 Crime Bill. On October 27th they passed a measure through both houses and sent it on to George Bush, who is expected to sign the bill into law.

From as near as we can tell, however, the new Crime Bill has been stripped of controversial provisions. Bush had threatened to veto the bill as being too "soft on crime" if the proposal to bar executions of prisoners who demonstrated that their sentences were imposed because of racial discrimination was not removed. The law makers capitulated.

But some of the more reactionary measures contained in the original bill were also removed. Gone are many of the proposed restrictions on appeals by death row prisoners, and the expanded list of federal crimes subject to the death penalty was also dropped.

The new version of the Crime Bill will now double federal financial aid to local police agencies, and create 85 new federal judgeships. We will have more information on this bill once it is signed into law.

### Sixteen Executions During 1989

In 1976 the U.S. Supreme Court reinstated the death penalty. Since then 13 states have executed 120 people. Last year (1989) eight states executed 16 people. Eight of them were white and eight were black. They'd spent an average of seven years and 11 months on death row before being killed.

## LETTERS FROM READERS

Letters from our readers are encouraged. Words in brackets [like this] reflect material added by the editors in order to better clarify a subject. Names of writers will not be published unless specific authorization is given to do so. We not only welcome the input of every reader, we want this section to become a forum through which prisoners and family members can criticize, express ideas, and share information. Here are some letters recently sent to PLN workers:

### Calls On Others To Support Us

I subscribe to the PLN and I not only think it's high quality, but even more credit, rather than criticism, is due to those who make this fine reading available.

I personally don't see any need for criticism, but rather for more and more help and support for this newsletter. We readers can do a vital service toward spreading the news and awareness, and that's by providing some of the financial support necessary to keep the paper going. So let's all do as much as we are capable of [in this regard], as payment back to those who sweat and bleed to keep the paper going.

-- D.H., Clallam Bay

### Article Was Inflammatory

I thought the article [on racism in #5] was a bit risque--in the inflammatory sense --meaning it would inflame the snouts, not the prisoners.

Seems to me the whole purpose of having such a news vehicle is to help us "numbered folk" get our shit together through sharing info and ideas--not to enrage the Beast with tiny pointed sticks that make no changes or raise the collective consciousness. I was taught (the hard way) to always keep my personal feelings from the eyes of the enemy, to never allow your adversary know what you are thinking, one's agitations and such, unless it is absolutely necessary--especially when you are in your foe's power. Otherwise it's a fool's game.

-- Gus, Walla Walla

### Likes Our Paper

I have repeatedly praised your articles in the PLN to anyone I could find to listen to this most needed point of view in the prisons. I am referring to your articles pertaining to sex offenders. "Divisions within the prison population on the basis of crime makes our captors' job of oppressing us a

lot easier." Very well put and extremely important. Perhaps the introduction of this point of view played a part in the apparent success of the "kitchen boycott" of June 25th. I don't know if the quality of the food has changed but I'm sure the administration took notice of the solidarity factor and that is what it's all about.

I enjoy receiving the newsletter very much. It seems every issue has a different flavor to it. Thanks for being a part of a very important publication.

-- A Prisoner's Wife

### Paper Basis For Discussion

My husband is currently a prisoner at WSR in Monroe[, Washington]. We have had many interesting discussions relating to different articles on PLN. Of particular interest were Ed-Mead's series on "sex offenders." That's a real hot item with the guys at WSR and all the other prisons around the country.

The "regular" cons don't trust the "rapos" and the sex offenders don't trust the regular guys. The irony being that this not only feeds into "The Man's" plan, but basically causes everyone to feel like shit.

So keep up the good work and letting the families know how we can help to make changes.

-- G.C., Seattle

### He Wants More Accuracy

I just want to state that there is a cause and effect in the universe; my letter [to one of the PLN editors] was returned to me because of incorrect data derived from PLN #5.

In the spirit of encouragement, I would offer that giving accurate information to PLN readers would likely add to the newsletter's credibility! Perhaps a review of the Monroe [inmate] computer [ownership] problem; et al., and the program donation incident, or the copy problems in the \$20,000 program donated which was put to private enterprise? Well, any how, it's about keep[ing] the credibility. Best of luck.

-- B.L., Walla Walla

### Needs Advice

The Board has been maxing out just about everyone they've been seeing at .100 hearings, and I hear they are not giving us the good time [credits] they have dangled in front of our noses like carrots for years. If this information is accurate, is there something legally we can do about that?

-- M.R., Shelton

## PAROLE BOARD

[The following notice was sent to us by a prisoner activist at Walla Walla.]

If you have been subjected to a parole revocation or ".100" hearing in the last couple of years, you may want to do something about the outcome. If so, read on . . . .

Currently, the Indeterminate Sentence Review Board (Board) is being investigated. This investigation was initiated by citizens' groups (such as Friends of Diane, the folks who organized after Diane [Ballasiotes] was killed in Pioneer Square by a work release prisoner). The Citizens' Groups have asked the Governor's Office to investigate the Board to see why prisoners are being released before their maximum term expires!

The impact of the citizens' groups is already being felt. The pressure the Board is feeling from the various groups' claim that the Board is "soft on crime" has turned into longer minimum terms for prisoners, even on petty violations. What is happening out there is having an effect on you in here. But something can be done about it.

The [Governor's] investigator is trying to see both sides of the issue. He is looking for examples of where the Board released prisoners early (good luck at finding any of those), and he wants to look at cases where the Board acted unreasonably. His report to the Legislature will reflect what he finds. And the Legislature will most likely react to his report with new laws. Simply put, if the investigator finds that the Board is releasing "dangerous and violent" prisoners into the community early, as the citizens' groups claim, new laws will be passed which give the Board wider authority to revoke paroles and to hold people in prison for longer periods of time. You can bet on that happening.

However, if the investigator reports that the Board is over-reacting to public pressure and is handing out unreasonable terms to people who are not a danger to the public, then likely as not the Legislature will pass new laws next year that will limit the Board's authority to hand out arbitrary minimum terms at parole revocation and .100 hearings.

In order to get our side of the story heard, attorneys are collecting information to present to the investigator. Your help is required in collecting this information. If you have had a parole revocation or .100 hearing within the last three years, please send your paperwork (Board's decision) and other requested information to: Patricia J. Arthur, Attorney at Law, Suite 301, 101 Yesler Way,

## ACTION ALERT

Seattle, WA 98104. She will use your paperwork to show the investigator that the Board is anything but soft on crime, and that it is acting arbitrarily.

Ms. Arthur is not looking to take on individual cases. It is understood that prisoners are getting screwed around and that they need legal assistance. But if all this time and energy is spent working on a few select cases, only those few individuals would benefit. So the work being done will focus on those things that will help large groups of people. Thus it is asked that you not spend your time trying to get someone to take your individual case; rather, help us get everyone working together on these issues which (if done right) in the end will help us all.

Please include the following information and documents in your letter to Ms. Arthur: 1) your age; 2) total time spent in prison in your life; 3) a list of all your convictions in Washington and elsewhere; 4) whether you had a parole revocation or .100 hearing or both; 5) what happened at your hearing, i.e., why the hearing was held, allegations against you at the hearing, what the Board decided; 6) how much time have you served prior to the .100 hearing, how much time have you served on parole, how much more time the Board gave you; 7) any other information you believe will be helpful, such as whether you filed any actions challenging the Board results, etc.; and 8) all of your paperwork, including Board decisions and petitions you filed in the courts.

You will also have to give Ms. Arthur written approval to hand your paperwork over to the investigator. Because attorneys are not allowed to let others examine your personal legal papers, Ms. Arthur will not do so unless you tell her in writing that it is okay.

Lastly, be sure to ask Ms. Arthur to represent your views to the legislature. It may be that she will want to lobby the law makers for legislation limiting the Board's authority. She can only do that on your behalf if you ask her to.

Take a few minutes and 75¢ worth of stamps to get this done. And please encourage others to do the same. People out there are willing to help you help yourself, but you have to make the first move. Let's push on this together.

-00o-

# PRISON MADNESS I. H.H.Thompson



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